

## PLANNING COMMITTEE

**Tuesday, 10th March, 2020 at 6.30 pm  
Council Chamber - Kettering Borough Council**

Committee Administrator: Callum Galluzzo  
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## 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 5 - 14
4. Any items of business the Chair considers to be urgent
5. Planning Application Reports

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<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 Jan O'Hara



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**BOROUGH OF KETTERING**

**PLANNING COMMITTEE**

**Meeting held: 11<sup>th</sup> February 2020**

**Present:** Councillor Shirley Stanton (Chair)  
Councillors Ash Davies, Scott Edwards, Cliff Moreton, Jan O'Hara, Mark Rowley, Greg Titcombe, Lesley Thurland

**19.PC.50 APOLOGIES**

Apologies for absence were received from Councillors Linda Adams and Lesley Thurland. It was noted that Councillor Scott Edwards would be acting as substitutes for the meeting.

**19.PC.51 MINUTES**

**RESOLVED** that the minutes of the meetings of the Planning Committee held on 17<sup>th</sup> December 2019 and 14<sup>th</sup> January 2020 be approved as a correct record

**19.PC.52 DECLARATIONS OF INTEREST**

Councillor Cliff Moreton declared an interest on item 5.2 & 5.3 as a ward councillor for the proposed development.

**19.PC.53 ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE URGENT**

None.

**19.PC.54 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. Four 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:-.

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.3 s.73A Retrospective Application: Detached garage and office at 13 long Breech, Mawsley for Mr &amp; Mrs J Den Drijver</p> <p>Application No: KET/2019/0759</p> <p><u>Speaker:</u></p> <p>Andy Wykes attended the meeting and addressed the committee as a third party speaker against the proposed development stating that the proposed development was in breach of planning rules and that the current development was imposing, oppressive and blocked light to their property.</p>	<p>Members received a report about a proposal for which consent was being sought for the retention of the 1.5 storey detached building with lean to shed. It was proposed that the building will be used for the purposes of a garage and home office as originally proposed through planning permission KET/2014/0827 which was granted planning permission by Members.</p> <p>The Planning Officer addressed the committee and provided an update about a form of wording to amalgamate and amend conditions 1 and 2, re number and amend wording of the reason of condition 3 in the Officers report.</p> <p>Members raised questions seeking clarification about the size and appearance of the proposed compared to what had previously been approved, and regarding conditions that can be imposed to limit the nature of the development so that it was not for separate residential use and to restrict the business activities within, to an incidental home office protect amenity of neighbouring properties.</p> <p>The Officer explained that elements of the building referred to in the officer report such as a balcony were to be removed</p> <p>It was then clarified to members that the conditions regarding use of the proposed development if approved would be updated to reflect the concerns raised by the members in relation to the use of the development.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to the following conditions:</p>

1. The development hereby approved shall only be used as a home office and garaging for personal domestic vehicles or storage of personal domestic items all of which shall be incidental to residential occupation of the dwelling house known as 13 Long Breech, Mawsley, NN14 1TR by persons whose principal place of residence is at the same address. For the avoidance of doubt, a commercial office is not permitted and the 'office kitchenette' and 'wc' shall remain ancillary to the permitted home office use. At no time whatsoever shall the building be made available or open to visiting members of the public, or customers of a business enterprise, nor shall it be used for the storage or distribution of goods, fixtures, fittings or other consumables associated with any business use.

2. 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 Class E shall be made in the southeast elevation or northeast roof plane of the building.

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

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

*(Voting: For: 5; Against 1; Abstain 1)*

*The application was therefore*  
**APPROVED**

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.4 Full Application: Change of use of first floor from dwelling house to restaurant and cafe. Single storey side extension with office in roof space. Enclose inset balcony, alterations to first floor windows and addition of external staircase to rear at 1 Kettering Road. Burton Latimer for Mr Palmiero</p> <p>Application No: KET/2019/0786</p> <p><u>Speaker:</u></p> <p>Ralph Charman attended the meeting and addressed the committee on behalf of the applicant stating that as per the officers recommendation the proposed development should be approved.</p>	<p>Members received a report about a proposal for which permission was being sought for a single storey side extension with office in roof space and a change of use of the first floor from residential flat to restaurant and café, this would have involved enclosing an existing inset balcony, the installation of a fire escape staircase and alterations to first floor windows.</p> <p>Members raised questions regarding the Highways Authorities comments regarding their lack of support for the development</p> <p>It was clarified from officers that this matter had been assessed and the proposed development is judged to have no overriding adverse impact on the surrounding area or highways</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 match, in type, colour and texture, those on the existing building.
4. The windows on the rear elevation serving WC's shall be non-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.
5. The external staircase hereby permitted shall only be used for emergency egress and for no other purpose.

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

*(Voting: For: Unanimous)*

*The application was therefore*  
**APPROVED**



<u>Proposed Development</u>	<u>Decision</u>
<p>*5.5 Full Application: Replacement dwelling at 23 Lewis Road, Kettering for Mr &amp; Mrs Boateng</p> <p>Application No: KET/2019/0866</p> <p><u>Speaker:</u></p> <p>Mark Croxen attended the meeting and addressed the committee as a third party objector to the proposed development stating that there had been no formal planning consultation with neighbours and the school and that the development would be an overdevelopment due to the lack of dwellings on that particular side of the road.</p> <p>Peter Mance attended the committee and addressed the committee as the agent for the applicant for the proposed development stating that the development was a high quality and sustainable development that had been carefully designed to ensure visual privacy both for the school and the residents of the property.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for a replacement dwelling, which consists of a contemporary design over two floors under a flat green-roof.</p> <p>The Planning Officer addressed the committee and provided an update which stated the owner of 46 Lewis Road had reaffirmed their belief that 'bylaws' exist that prevent the provision of windows at the development site facing the property in question.</p> <p>Officers stated that although no evidence had been provided to that effect, the concerns raised were not a material planning consideration.</p> <p>Members raised concerns regarding detrimental impact construction traffic would have on neighbouring properties and the school directly next to the proposed development. Members also sought to confirm that the Construction Management Plan be in place before the start of construction to minimise disruption.</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 detailed below.
3. No development shall take place until a plan showing details of existing and intended final ground and finished floor levels 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.
4. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority. 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.

Construction and demolition deliveries/traffic shall not visit or leave the site except

between the hours of 9:00 and 14:30 on Monday, Tuesday, Thursday and Friday, between the hours of 9:00 and 13:30 on Wednesday during Southfield School term time, between the hours of 08.00 of 18.00 hrs Monday-Friday during Southfield School Holidays and Saturday between the hours of 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays.

5. The development shall not progress above slab level until details of the types and colours of all external facing and roofing materials to be used and details of the hard-surfacing materials 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 and shall remain in that form thereafter.
6. No works shall proceed above slab level until full details of all windows, doors (including their surrounds), verge/eaves detailing and rainwater goods 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 and remain in that form thereafter.
7. The dwelling shall not be occupied until the boundary treatment shown on the hereby approved drawings has been fully implemented in accordance with the approved details, which shall remain in place to the approved heights thereafter.
8. The parking spaces and garage shown on approved plans shall be provided and made available for use prior to first occupation of the dwelling and shall be permanently retained and kept available for that purpose.
9. The landscaping scheme hereby approved 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.
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.
11. The dwelling, hereby approved 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).
12. The dwelling shall be constructed to meet M4(2) Accessible and Adaptable Dwellings of schedule 1 part M of the Building Regulations 2010 (as amended) unless otherwise approved in writing by the local planning authority.

13. The roof areas of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
14. There shall be no vehicular access gates provided within 5.5m of highway boundary (including footpath) at any time.
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 additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in any elevations of the building at any time without the grant of planning permission.
16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) (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 and E of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

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

*(Voting: For: 6: Against 1)*

*The application was therefore*  
**APPROVED**

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Full Application: Change of use from storage to the repair and maintenance of cars (Retrospective) at Unit 3B, Woodside, Stoke Albany Road, Desborough for Mr D Frayne D Frayne Haulage Ltd</p> <p>Application No: KET/2019/0262</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which planning permission was being sought for a change of use from storage to allow for the repair and maintenance of cars. It was heard that the proposed development would have provided 80sq.m. of gross internal floorspace.</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 not be carried out other than in accordance with the approved plans and details listed below.
2. The use hereby permitted shall exclude the keeping of or work to HGV's in the Unit 3B or within parking areas numbered 3-8 on Plan Ref. 1105/P/SP/00B.
3. No body work repairs including panel beating and paint spraying shall be carried out at the site.
4. No equipment, materials, products, parts, containers, waste or any other articles shall be stacked or stored on the site at any time except within the building.
5. The parking spaces hereby approved on Plan Ref.1105/P/SP/00B shall be marked on site and made available for parking within 1 month of the date of this permission and shall be permanently retained and kept available for the parking of vehicles.
6. Hours of work shall not occur outside of the times Monday to Friday 08.00 to 18.00 hrs, Saturday 08.00 to 13.00 hrs and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken.

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

*(Voting: For: Unanimous)*

*The application was therefore*  
**APPROVED**

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.2 s.73A Retrospective Application: Garage conversion and rear infill extension connecting to side elevation of existing house to create annexed accommodation, and side extension to house and loft conversion at 13 Long Breech, Mawsley for Mr &amp; Mrs J Den Drijver</p> <p>Application No: KET/2019/0758</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which planning permission was being sought for the conversion of an existing double garage and an extension to join it to the existing dwelling house on the northeast elevation, in order to provide annexed accommodation in the form of a lounge, bedroom, kitchen, shower room and utility room (shared with the existing house).</p> <p>In addition, a side extension was proposed to the create an additional reception room to the main house. Conversion of the existing roof space of the existing dwelling house was also proposed, to create additional living space in the form of two no. bedrooms with associated storage and en-suite and a storage room, enlarging the existing house to a 7-bedroom property with annexed accommodation.</p> <p>Members sought clarification as to whether the conditions ensured that the proposed development was not to be separated or rented out as a separate dwelling.</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 converted garage and attached side extension [annexe accommodation] comprising lounge, kitchen, shower room and bedroom which connects [the annexe accommodation] to the existing dwellinghouse via the shared utility room hereby permitted shall not be occupied other than as part of a single residential use known as 13 Long Breech, Mawsley, NN14 1TR. In addition, the annexe accommodation shall not be occupied unless and until the access doorway between the kitchen of the existing house and the proposed shared utility room, and the doorway between the proposed shower room and proposed utility room have been created and made available for use. The doorways serving those rooms shall thereafter be made permanently available to connect the proposed annexe with the existing dwellinghouse and vice versa.

2. The materials to be used in the construction of the external surfaces of the annexe extension linking the main house with the converted garage hereby permitted shall match, in type, colour, texture and size, those used on the converted garage [former garage located adjacent to no. 15 Long Breech, Mawsley].
3. The annexe accommodation (comprising lounge, kitchen, shower room, and bedroom) hereby by approved shall not be occupied until the existing window serving the lounge (southeast elevation) of the annex has been removed, the opening enlarged and the approved window installed as shown on drawing no.13LB-P02A received by the Local Planning Authority on 8th January 2020. The lounge window shall thereafter be retained in that form.
4. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

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

*(Voting: For: 5; Against 1; Abstain 1)*

*The application was therefore*  
**APPROVED**

*(The meeting started at 6.30 pm and ended at 7.36 pm)*

*Signed*.....

*Chair*

**Tuesday, 10 March, 2020**

**No. 5 Planning Application Reports**

5.1	<b>KET/2019/0666</b>	SBE	A509 Kettering Road & land adj, Kettering Full Application (EIA): Construction work for the dualling of A509 between A14 jct 9 and Symmetry Park employment site, with new roundabout, associated drainage, lighting and landscaping Expiry date: <b>13-March-2020</b>	1
5.2	KET/2019/0701	JPS	17 Regal Drive, Kettering Full Application: External wall render Expiry date: 11-December-2019	33
5.3	<b>KET/2019/0773</b>	MCO	23 Greenfield Avenue, Kettering Full Application: Replace existing single storey garage and utility area with two storey side extension and single storey rear extension Expiry date: <b>13-March-2020</b>	37
5.4	KET/2019/0789	JPS	115 Dunkirk Avenue, Desborough Full Application: Replace boundary fence with brick wall and gates. Outbuilding to rear (Part Retrospective) Expiry date: 03-January-2020	46
5.5	<b>KET/2019/0854</b>	SBE	13-15 Dalkeith Place, Kettering Full Application: Conversion of outbuildings for A4 use (drinking establishment), single storey glazed extension and covered seating area. Demolish 1 no. outbuilding, replacement gates and boundary wall with render. Use of hardstanding as beer garden Expiry date: <b>24-March-2020</b>	51
5.6	<b>KET/2019/0867</b>	ACH	20 Corby Road, Little Oakley Full Application: Replacement gate in existing opening. Proposed store/outbuilding and repointing of all elevations Expiry date: <b>13-March-2020</b>	61
5.7	<b>KET/2019/0868</b>	ACH	20 Corby Road, Little Oakley Application for Listed Building Consent: Internal alterations - kitchen and bathroom. Replacement gate in existing opening. Proposed store/outbuilding and repointing of all elevations Expiry date: <b>13-March-2020</b>	71

5.8     **KET/2019/0898**     LJO     84 Warkton Lane, Kettering  
Full Application: Replacement dwelling  
Expiry date: **17-March-2020**

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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), J O'Hara, L Adams, C Mitchell, C Moreton, M Rowley, L Thurland, G Titcombe

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



**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 10/03/2020</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2019/0666</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>A509 Kettering Road &amp; land adj, Kettering</b>	
<b>Proposal</b>	<b>Full Application (EIA): Construction work for the dualling of A509 between A14 jct 9 and Symmetry Park employment site, with new roundabout, associated drainage, lighting and landscaping</b>	
<b>Applicant</b>	<b>DB Symmetry (Kettering) LLP</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 following approved plans and information detailed below:

- Environment Statement and Appendices (September 2019)
- Environmental Statement Addendum (December 2019)
- Dwg no: 13-170-K006-Dualling- Wider Location Plan-A-
- Dwg no: 13-170-P100-Dualling Location Plan-C
- Dwg no: 70061010-WSP-HAC-A509-DR-CH-0104\_Long and Cross Section
- Dwg no: 70061010-WSP-HAC-A509-DR-CH-0105 - 0107\_Contour Drawing
- Dwg no: 70061010-WSP-HAC-C26-DR-CH-0101-0103\_GA
- Dwg no: 70061010-WSP-HDG-A509-DR-CD-0501-B
- Dwg no: 70061010-WSP-HLG-A509-DR-EO-1300

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031.

3. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Report (ref: 70061010-FLD-001) dated September 2019 and the Technical Note (ref: 1010-TN-001 Rv2) dated 10 February 2020 and the following mitigation measures it details:

- Compensatory floodplain storage shall be provided as set out in drawing 'Flood Compensation Areas Calculated 100yr 65% cc' (ref: 1010-FL-002 [rev P02]).

These mitigation measures shall be fully implemented prior to completion of the development and in accordance with the scheme's timing/phasing arrangements as set out in the CMP (as approved in condition 5). The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy 2011-2031.

4. The development hereby permitted shall not be carried out other than in accordance with Section 6 (Ecology and Nature Conservation) and its associated appendices 6.1 (Ecology Baseline r014) and 8.2 (Arboricultural Assessment, Rev 013b) approved in Volume II of the Main Environmental Statement (ES). Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: In the interest of ecology and nature conservation in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2011-2031.

5. Prior to the commencement of any works (including earthworks) a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. This CMP shall consider details of all construction works (on and off-site) including piling works and shall incorporate a Construction Traffic Management Plan (CTMP) for all construction works associated with the development including construction traffic routing. The CMP and CTMP shall include any construction details that relate to construction works for Symmetry Park under approval KET/2018/0965 that may be carried out at the same time. The approved CMP and CMTP shall be adhered to throughout the construction period of the development.

REASON: To ensure that the construction works do not impact (including cumulative impact) the operation of the A14 and the local highway network or cause harm to amenity and in the interests of highway safety in accordance with Section 10(2) of the Highways Act 1980 and Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal's construction.

6. Prior to the commencement of development (including earthworks and site clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) and/or Ecological Construction Method Statement (ECMS) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- g) Relevant details that relate to Biodiversity construction works associated with Symmetry Park under approval KET/2018/0965 that may be carried out at the same time.

The approved CEMP: Biodiversity or/and a separate ECMS shall be adhered to throughout the construction period of the development.

REASON: In the interest of ecology protection in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

7. Prior to the commencement of development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The plan will be implemented in accordance with the approved details and remain in place thereafter.

REASON: In the interest of ecology protection in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2011-2031. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

8. Prior to the commencement of any works (including earthworks) full details of the surface water drainage scheme for the site, based on the approved details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall remain in that form thereafter. The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).

ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations to meet requirements as agreed with the Lead Local Flood Authority and Highways Authority.

iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.

iv) A detailed scheme for the ownership and maintenance for every element of the surface water drainage system including a maintenance plan which shall be carried out in full thereafter.

REASON: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the North Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site. The details are required prior to commencement as they are fundamental to the acceptability of the proposal.

9. No construction of the road carriageway shall take place until an agreement has been completed with the Local Highway Authority under the provisions of Section 38 and Section 278 of the Highways Act 1980, and notification of the completed agreement(s) has been provided to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and remain in that form thereafter.

REASON: To ensure that the highway is constructed to the standard required for a public highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031

10. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) Approval of a Written Scheme of Investigation;

(ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;

(iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;

(iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded, and the results made available, in accordance with NPPF Paragraph 199.

11. Prior to installation of any permanent lighting and notwithstanding submitted lighting information, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the impact of lighting on biodiversity (including bats) and a revised 'Proposed Road Lighting Layout' that seeks to avoid illumination of Pytchley Brook with cross-section

diagrams to show how light toward Pytchley Brook would be intercepted. The lighting and lighting mitigation measures shall be installed in accordance with the approved information prior to completion and shall remain in that form thereafter.

REASON: In the interest of safeguarding amenity and biodiversity in accordance with Policy 4 and 8 of the North Northamptonshire Joint Core Strategy 2011-2031.

12. Prior to landscaping works being carried out and notwithstanding the submitted landscaping scheme a revised landscaping scheme which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees 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 first operational use of the development, 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.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031.

13. Prior to first operational use of the development a Verification Report for the installed surface water drainage system for the site based on the approved details shall be submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

REASON: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

14. 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. A risk assessment shall be undertaken to assess the nature and extent of the contamination and work shall cease on the land affected by the 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 on that part of the site.

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 2011-2031.



## Officers Report for KET/2019/0666

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

### 3. Information

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#### **Relevant Planning History**

##### Land to the east

KET/2018/0965 - Outline Application (including Access) with EIA - Up to 214,606sqm gross external area for class B8 warehousing and distribution, ancillary class B1(a) offices, with associated access, internal roads, parking, landscaping and drainage – Planning Committee resolution to GRANT – 19/03/2019 – APPROVED – 05/04/2019

##### Isham Bypass

Northamptonshire County Council (NCC) Application - 11/00030/EXT - Replacement of extant planning permission KE/05/790 & WP/05/584 to extend the time limit for the implementation of the A509 Isham Bypass on Land to the west of the village of Isham – APPROVED – 20<sup>th</sup> June 2012.

The permission expiration is ten years from the approved date and therefore is extant with implementation possible before 21<sup>st</sup> June 2022. Delivery of the scheme has been 'paused' by NCC although remains a priority infrastructure project.

#### **Site Visit**

Officer's site inspection was carried out on 22/10/2019 and 20/12/2019

#### **Site Description**

The 8.62ha site is to the west of a proposed warehouse and distribution development (henceforth referred to as "Symmetry Park") granted outline planning consent under KET/2018/0965 and includes an approximate 1km stretch of the A509 carriageway between Isham and junction 9 of the A14. The site also includes treed highway verge and a strip of agricultural land to the west.

The A509 is a major road link between Kettering and Wellingborough predominately subject to a 60mph speed limit and gives access to the A14, which is part of the Strategic Road Network (SRN).

The Public Right of Way (PRoW) (bridleway) GW15 and the PRoW (footpath) GW2 connect to the western side of the A509. Pytchley Brook, a tributary to the River Ise, marks the southern boundary of the site and runs east to west. Isham village is approximately 500m to the south.

#### **Proposed Development**

The application seeks full planning permission, with Environmental Impact Assessment (EIA), to dual the A509 between A14 junction 9 and the Symmetry

Park employment site access, with new roundabout, associated drainage, lighting and landscaping.

The proposal is to dual the existing A509, with the existing road forming the south bound dual carriageway and a new constructed element to the west forming the north bound dual carriageway. The dualling will extend for approximately 1 km from Junction 9 of the A14 to the new roundabout and would have a 50mph speed limit.

The construction of a new roundabout toward the southern extent of the site is proposed with three arms. The northern arm would serve the proposed dualled stretch of the A509 with the opposite arm serving the retained single A509 carriageway, which will be remodelled to have regard to the proposed roundabout. The new roundabout will access Symmetry Park (shown indicatively below) to the east with an adjacent drainage basin proposed. An extract plan showing the proposal is below:





Not to scale: for information purposes only

The planning application is in response to Condition 32 of the Symmetry Park permission, which seeks to secure delivery of the A509 dualling between A14-Junction 9 and the Symmetry Park site access prior to its first occupation.

### **Pre-application**

Pre-application advice was given in the summer of 2019 involving discussions with Northamptonshire County Council as Local Highway Authority (LHA).

In addition, during this application and following initial concerns from the Environment Agency, Lead Local Flood Authority and Local Highway Authority and to address other objections further information on these matters were invited and provided.

The application has come forward in a way that is consistent with pre-application discussions or otherwise through the submission of additional and amended information provided during the application.

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

Public Right of Way GW15 and GW2 pass through the western edge of the site and TM10 is to the south  
A(509) Road

## **4. Consultation and Customer Impact**

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**Isham Parish Council: Object** for the following summarised reasons:

- Cause traffic congestion on the A509
- The position of the roundabout differs from that associated with the Isham Bypass and will be nearer to Isham and its residents and would create a 'hind leg route' for the Bypass.
- Cheap option for the developer which will mean greater cost for Isham Bypass
- Traffic management will not prevent unwelcome traffic through Isham
- Traffic through Isham should be limited to 20mph
- Traffic on the dualling should be limited to 40mph to limit noise levels
- Question how the 50mph speed limit would be enforced
- The application should be delayed until the results of a possible funding stream towards the Isham Bypass have been announced so that a more 'sensible arrangement' for the site access can be provided
- The amount of traffic that currently passes through Isham (23,000 every 24 hrs) shall greatly increase and therefore a robust travel plan that prevents traffic going through the village should be proposed with heavy fines for non-compliance
- Inadequate public consultation event

**Pytchley Parish Council:** Make the following summarised comments:

- Village overlooked with a focus on Isham
- Increased traffic flows through Pytchley at times of congestion travelling at speed
- Traffic calming measures should be considered through the village
- Construction traffic travelling through the village – signposting should be provided for construction traffic to avoid the village
- The site is subject to flooding
- Would harm a nearby Site of Scientific Interest (SSSI)

**Borough Council of Wellingborough (BCW):** Say that they are:

*“...fully supportive of delivering the Isham bypass and notes that Northamptonshire County Council highway have removed their objection to the DB Symmetry proposal. BCW will continue to object to anything that would impede the delivery of the Isham Bypass”*

**KBC – Environmental Protection:** No objection subject to the imposition of a condition requiring approval of Construction Management Plan and a condition with respect to unexpected contamination

**NCC – Local Highway Authority (LHA):** No objection saying:

*“Following on from the LHA’s previous consultation response, discussions have been on-going with the applicant and sufficient technical information has now been provided regarding the design of the dualling works to enable us to remove our objection to the application.*

*The LHA was seeking comfort that the highway works were likely to gain technical approval from Northamptonshire Highways prior to making a positive recommendation to the Local Planning Authority (LPA). We have subsequently received such confirmation from our highway adoption team.*

*As such, we would recommend that a suitably worded planning condition is applied to any consent, should the LPA be minded to approve the application, to ensure that prior to commencement of any development or works that full engineering and construction details of the highway works are submitted to and agreed by the LPA.”*

**NCC – Public Rights of Way (PROW):** Say that other than the *“...potential need for a temporary closure...no further comments...”*

**Highways England:** No objection subject to the imposition of a condition requiring approval of a Construction Traffic Management Plan prior to commencement.

**NCC – Lead Local Flood Authority:** No objection subject to the imposition of conditions requiring approval of a surface water drainage scheme for the site based on the submitted information and a surface water Verification report prior to first use.

**Environment Agency (EA):** No objection subject to imposition of a condition requiring the proposal to be carried out in accordance with the submitted Flood Risk Assessment and Technical Note and the provision of compensatory floodplain storage measures and subject to the mitigation measures being in place prior to occupation [first operational use] of the development, which shall remain in place for its lifetime.

**Anglian Water:** Say that the proposal is “...*outside of Anglian Water jurisdiction to comment*”.

**Natural England:** No objection saying that “*the proposed development will not have significant adverse impacts on statutorily protected conservation sites or landscapes*”.

**Northamptonshire Badger Group:** Say that they “*do not wish to comment*”.

**NCC – Ecology:** Provide the following summarised comments:

- In line with advice in the Environmental Statement (ES) a Construction Environment Management Plan (CEMP) and/or Ecological Construction Method Statement (ECMS) should be provided
- Not clear whether the lighting strategy report provided incorporates biodiversity considerations (IE- impact on bats)
- The amount of lighting spill on Pytchley Brook should be reduced and therefore a revised ‘Proposed Road Lighting Layout’ provided to address this issue prior to commencement
- The landscape and ecological management plan (LEMP) should be submitted to the local planning authority prior to commencement (or occupation) and should include details of the long-term legal and funding mechanisms and contingencies that may arise from monitoring
- The detailed planting scheme provided should be amended to include a different mix of trees, shrubs, grasses and native hedgerow

**NCC – Archaeology:** No objection subject to the imposition of a phased condition requiring; (i) approval of a written scheme of investigation; (ii) fieldwork in accordance with the approved scheme; (iii) post-excavation assessment; and; (iv) completion of analysis for archive

**Historic England:** Say that they “*do not wish to offer any comments*”.

**Ministry of Housing, Communities and Local Government - Planning Casework Unit (EIA):** Say “*no comment*” in their response

**Cadent (National Electricity and Gas Grid):** Advise that there is a low or medium pressure gas pipe in the vicinity of the proposal and that this information should be shared with the developer

**Neighbours:** Eight third party letters of objection received predominately from Isham residents; summarised grounds:

- Increase in traffic and congestion through Isham including HGV's and would inconvenience villagers
  - The work should not be undertaken before Isham Bypass
  - Question whether Symmetry Park is necessary in place of "Green and Pleasant Land"
  - Proposed roundabout is too small and will make existing traffic congestion issues worse
  - The dualling would not link easily with the Isham Bypass with further expensive adaption required
  - The area is subject to flooding which causes traffic delays
  - Inadequate public consultation exercise undertaken by the applicants
  - Harmful construction impacts
  - The roundabout is too near to Isham
  - Agreement stated to the Highways and EA comments received (when those bodies objected)
- 
- One positive comment saying that the proposal would improve a hazardous stretch of the A509

## 5. Planning Policy 0

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

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment
17. Facilitating the sustainable use of minerals

### **Development Plan Policies**

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

1. Presumption in favour of sustainable development
2. Historic environment
3. Landscape character

4. Biodiversity
5. Water environment, resources and flood management
6. Development on brownfield land and land affected by contamination
7. Community services and facilities
8. Place shaping
9. Sustainable buildings
10. Provision of infrastructure
11. Network of urban and rural areas
15. Well-connected towns, villages and neighbourhoods
16. Connecting the network of settlements
17. Strategic connections
18. HGV Parking
19. Green infrastructure
20. Nene and Ise Valley
22. Delivering economic prosperity
23. Distribution of new jobs
24. Logistics
26. Renewable and low carbon energy
  
37. Land at Kettering South (parcel B):

## DEVELOPMENT OF PARCEL B SHOULD:

- f) Focus on the delivery of B8 (logistics) development and ancillary B1 (office) and B2 (general industrial) uses;
- g) Ensure that development within the site boundary is directed to areas of lowest risk of flooding, consistent with the sequential test, and that extensive flood mitigation measures are provided to the east of the site. Built development on areas of Flood Zones 2 and 3 will only be acceptable subject to technical modelling and solutions being agreed with the Environment Agency, which demonstrate that flood risk has been satisfactorily addressed;
- h) Be of a high standard of design with buildings arranged to limit the visual impact on Isham and designed to incorporate sustainability measures such as green roofs, renewable energy generation, sustainable drainage systems and rainwater harvesting;
- i) Provide a connected network of high quality landscaping which minimises visual impact. Proposals should include the delivery of strategic landscaping at the southern edge of the development at the earliest opportunity to limit the visual impact on Isham;
- j) Provide an accessible network of green infrastructure which includes opportunities provided by the Ise-Valley corridor to integrate the development into the countryside, enhance the character and ecological value of the development, including buffering the adjacent Site of Special Scientific Interest, and create accessible, usable green space;
- k) Safeguard the route of the Isham bypass and provide vehicular access from the A509; and
- l) Include a permeable network of roads and paths.

## THE DEVELOPMENT OF PARCELS A AND B SHOULD TOGETHER:

- m) Contribute towards off-site highway works to accommodate traffic arising from the development and ensure that the impact on neighbouring settlements is minimised; and
- n) Provide strong connectivity to the urban area of Kettering and links to neighbouring settlements and countryside. Proposals should include significant walking and cycling infrastructure provision to, and through, the site and an improved public transport service.

Policy 28 of the Northamptonshire Minerals and Waste Local Plan (2017)

## 6.0 Financial/Resource Implications

The proposal would constitute delivery of a phase (approximately 1km) of the Isham Bypass and thereby would mean that the total amount of funding required by local authority partners to deliver the overall Bypass could reduce.

## **7. Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site-Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

## **8. Planning Considerations**

### Preamble

This is a standalone application that is considered on its own merits. However, its primary purpose is to provide dualled carriageway access to and from the A14 in association with the Symmetry Park warehouse and distribution scheme approved in Outline (including Access) under reference KET/2018/0965.

The approved Symmetry Park application assessed the highway implications of the proposal and the 'in principle' requirement for the dualling and its broad impacts. Consequently, the conclusions reached in the Outline approval are relevant and shall be referenced throughout the below, when appropriate. (The reader may want to have the associated Committee Report available.)

It is not the intention or purpose of this application or the below report to re-open the debate with regard the traffic impacts, or any other impacts, associated with the approved Symmetry Park development other than those that may apply.

The key issues for consideration in this application are:

1. The principle of the development
2. Impact on highway safety and convenience
3. Impacts relating to the Isham Bypass
4. Impact on character and appearance
5. Impact on heritage assets
6. Impact on residential amenity
7. Impact on flooding and drainage
8. Impact on biodiversity
9. Impact of ground contamination and minerals
10. Impact on air quality
11. Duty to engage
12. Benefits
13. Planning balance

1. The principle of the development

The principle of the development has been established by approval of the Symmetry Park development under reference KET/2018/0965 and the approved Isham Bypass consent under reference 11/00030/EXT. These permissions are extant.

2. Impact on highway safety and convenience

Policy 8 (b) of the JCS seeks to provide satisfactory means of access and to resist development that prejudices highway safety. JCS Policy 10 deals with provision of infrastructure in support of needs arising from development and JCS Policy 15, 16 and 17 together seek to strengthen and enhance connections between all hierarchy of settlements.

Consistent with the above general and strategic JCS policies on this matter; Policy 37 of the JCS - associated with the development at Symmetry Park adjacent – aims to provide settlement connectivity, provision of suitable infrastructure to cope with traffic demands associated with the development and also safeguard the Isham Bypass and access from the A509.

The Development Plan policies are consistent with Chapter 9 of the NPPF, which in its paragraphs 108-110 seeks to ensure safe and suitable access, sustainable transport options (including for pedestrians and cycles) and prevent development that has '*unacceptable impact on highway safety grounds*'.

To deal with these matters the application has been supported by a 'Traffic and Transport' section (10) in the submitted 'Main Environmental Statement' (ES) which references an accompanying 'Transport Assessment' (Environmental Statement Appendix 10.1). In addition, and to deal with some initial uncertainties by the Local Highway Authority (LHA) a Highway related 'Technical Note (1)' was provided. This 'Technical Note' gives details of clarifying discussions that took place between the applicant and the LHA.

The highway safety aspects of the site access and the basic tenet of the dualling has already been considered and agreed in the Symmetry Park Outline



permission as a detailed matter. The HGV routing Management Strategy, which looked to avoid such movements through Isham, approved and secured through the imposition of condition 3 on the Symmetry Park Outline consent would still be in place and would not change as a result of this proposal.

The submitted 'Transport Assessment', which formed the basis of the ES conclusions discuss the proposal in the context of; existing highway conditions including speed surveys, highway safety and the A14 junction 9 arrangements; and; the impact of the proposal on those matters including forecasting and operational performance. The 'Transport Assessment' also relies on evidences submitted and accepted in association with the adjacent Symmetry Park Outline approval and modelling exercises associated with the proposed roundabout up to 2031.

The existing road conditions consist of a two-way 7.3m wide single carriageway predominately derestricted to 60mph with no pedestrian/cycle infrastructure provided. As part of the adjacent Symmetry Park development various off-site highway works have been proposed and secured by condition. These provisions include the dualling proposed and significant upgrade to sustainable travel options between Isham and Kettering including footways and a cycleway to connect with Symmetry Park and would run along the A509 to connect with Isham and Kettering. This would mean that it would be possible to walk/cycle safely from Isham to Kettering including across the A14 Junction 9. Bus connection improvements are also proposed with laybys and stops and informal crossing facilities. The dualling would be fundamental to delivery of these outlined Symmetry Park's sustainable transport provisions.

Moving on to traffic forecasts; as part of the Symmetry Park application and in its supporting Transport Assessment and Environmental Statement – Addendum (2018) existing traffic flows were given and agreed by the LHA. These flows, including background growth factors, are summarised in the below table with the following scenarios:

- 2017 observed flows (likely to be slightly higher due to background growth between 2017 and today)
- 2021 Do Minimum - Existing highway layout and trips from committed development sites (excluding Symmetry Park)
- 2021 Do Something – Existing highway layout and trips from committed development sites (including Symmetry Park)

These traffic flows have been represented as part of this application in the 'Transport Assessment' and are shown below. A more detailed analysis of traffic impacts arising with the Symmetry Park development are discussed in its associated Committee report. The table depicts a modest but significant (approx. 10%) increase in traffic flows as a result of the Symmetry Park development:

A509 Existing and Forecast Traffic Flows Table

A509 Traffic Flows	AM Peak			PM Peak		
	Northbound	Southbound	Total	Northbound	Southbound	Total
2017 Observed Flows	1,071	815	1,886	1,075	1,005	2,080
2021 – Do Minimum	1,153	877	2,030	1,155	1,079	2,234
2021 – Do Something	1,241	1,006	2,247	1,299	1,179	2,478

The forecast traffic flows 2031 are summarised below on the scenario basis of the Isham Bypass not being delivered and the proposed dualling being provided:

#### Forecast Traffic Flows Table

A509 Traffic Flows	AM Peak			PM Peak		
	Northbound	Southbound	Total	Northbound	Southbound	Total
2031 Do Something	1,399	1,126	2,525	1,461	1,330	2,792

These above two tables are provided for information purposes to show the increased amount of traffic that the subject stretch of the A509 would see as a result of the Symmetry Park development together with natural increases in traffic. To deal with these increases the occupation of the Symmetry Park development was required to come after the dualling.

The application proposes two 7.3m carriageways following the general alignment of the existing A509 with the existing carriageway modified and to be used as the southbound side of the dualling. The northbound carriageway will be constructed to a similar line and level as that of the southbound carriageway. The carriageways shall be limited to 50mph. This is 10mph lower than the existing limit and reflect the average speed of vehicles travelling the existing carriageway as demonstrated by speed surveys carried out.

Isham Parish Council query how this 50mph speed limit would be enforced. Put simply, it would be enforced in the same way any speed limit is enforced; by the Police.

Based on the above traffic forecasts and the wider findings of the Transport Assessment the following summarised conclusions were made in the submission:

- The site access roundabout will operate with adequate spare capacity to support 2031 traffic including background growth
- The Speed limit of 50mph has the agreement of the LHA's 'Speed Limit Review Panel', which has demonstrated that the reduced speed limit is safe
- No severe existing road safety concerns associated with the existing road that would be exacerbated by the proposal
- The reduction in the speed limit may potentially improve road safety
- The proposal would improve existing capacity constraints and safety by removing the 'pinch-point' where the existing road reduces from dual to single carriageway on the approach and exit to A14 Junction 9. This would reduce queuing time at the junction including potential queuing down the A14 entrance slip and back toward the A14 carriageway.
- Although there is a theoretical increase in junction capacity, in the absence of a complete Isham Bypass, the proposal will not induce significant traffic demand. This is mainly due to the restrictive speed limits (30mph) through Isham.
- The proposal has the potential to have a positive impact on the highway and will not have a severe adverse impact
- The proposal satisfies Condition 32 on the Outline Symmetry Park planning permission and is consistent with NPPF guidance

The Local Highway Authority (LHA) and Highways England (HE) have considered the submitted Transport Assessment and agree with its findings. The LHA recommend provision of a condition requiring approval of full engineering and construction details prior to commencement. HE recommends provision of a pre-commencement condition requiring approval of a Construction Traffic Management Plan. The applicant has provided agreement to the imposition of these conditions in the submitted Highways – Technical Note. These conditions shall be imposed.

Highway inconvenience experienced can be reduced through provision of an acceptable Construction Traffic Management Plan (CTMP). The fact that the new carriageway can be built off-line whilst the existing carriageway remains open also helps to limit construction impacts. Short-closures and inconveniences are however inevitable for such a large project, although they shall be short-lived, localised and minimised as much as possible.

It is not the intention to impose a condition that requires the dualling to be delivered prior to the Symmetry Park development as this is secured through condition 32 on the Outline approval. Moreover, the dualling would be acceptable on its own as a safe road infrastructure improvement scheme without Symmetry Park.

The proposal would result in some change to the arrangements associated with existing public rights of way (PROW). This would involve PROW GW15 ending

at the proposed new A509 carriageway rather than at the existing A509 and a slight re-alignment to PROW GW2 so that it connects with proposed footways. These changes have not resulted in concerns being raised by the LHA or its PROW department and do not prejudice continued use of the rural ways.

Based on the information provided, the satisfaction of highway authorities and with no cogent evidences coming forward that would justify coming to a different conclusion the proposal is considered to provide an appropriate and safe road infrastructure scheme. And together with the Symmetry Park development would provide safe access to that development and its associated economic benefits together with the provision of significant sustainable travel options to the area.

The proposal is therefore considered to comply with the policies of the Development Plan that seek to provide development that does not compromise highway safety and delivers sustainable transport options and settlement connectivity. The proposal is also consistent with NPPF advice on those matters. Consequently, the application is acceptable in this regard.

### 3. Impacts relating to the Isham Bypass

Policy 37 of the JCS, which relates to the approved Outline Symmetry Park development, also seeks to safeguard delivery of the Isham Bypass.

Isham Bypass has extant planning permission under Northamptonshire County Council (NCC) reference 11/00030/EXT. The County Council and partner Authorities remain committed to delivery of Isham Bypass as a priority piece of road infrastructure improvement. It was however agreed in October 2018 by NCC Cabinet Committee to 'pause' the project due to the loss of £25m of Growth Deal funding due to the inability to deliver the scheme within funding timescales. It is therefore unlikely that Isham Bypass will be implemented before the planning permission expiry in June 2022 unless a new funding stream for its delivery can be secured very soon. A new planning permission would therefore likely be required at some point in the future if the Bypass is to be provided regardless of the outcome of this proposal.

It has been raised as a point of concern by objectors that the proposal could jeopardise delivery of the Bypass.

To address this specific issue the applicants have provided specific responses to that objection point. And say in its letter 'Response to the Borough Council of Wellingborough' that:

*"The Applicant is effectively providing the first phase of the Isham Bypass by dualling the A509 between A14 Junction 9 and the new Symmetry Park site access roundabout, an extensive and expensive piece of infrastructure serving the area. The developer funded dualling of the A509 has been referred to as the source of match funding in the application for government funding. Obtaining planning permission and delivering the dualling, forms a fundamental element*

*of the bid by England's Economic Heartland for funding aimed at delivering the full Isham Bypass.*

*Far from frustrating delivery of the Isham Bypass, the proposed dualling scheme accelerates it providing the necessary match funding required for a compliant bid for the funding of the bypass.*

*In providing the dualling and new roundabout, together with the safeguarded land to facilitate the Isham Bypass when it comes forward, the Applicant has fulfilled its planning obligations in terms of the approved Symmetry Park site and the proposed dualling and new roundabout subject of this planning application.*

*KBC and the LHA have accepted the principle of the dualling subject of this planning application, in doing so, accept that the proposed dualling and new roundabout will not prejudice the delivery of the Isham Bypass should funding become available."*

The above claims that the proposal constitutes first instalment of the Isham Bypass and is being used as a source of match-funding to contribute to delivery of the overall Bypass with announcement on the match funding applied for due this year. This advance is a reasoned and sensible position and has weight.

The applicant's statement above and the submission generally skirt around the issue regarding the ability of the proposed access roundabout to function as part of the Bypass. But put simply; the roundabout proposed is not likely to be suitable to serve the later section of the Bypass around Isham and therefore will need reworking if Bypass funding can be secured for its delivery. This is unfortunate, however should not necessarily count against the proposal. Implementation of the proposal would mean that a further permission would be required for the complete Isham Bypass, however it is likely that this would be needed in any event because of the tight timescale involved to implement the current permission.

The applicant avers that the proposal is only required to off-set the impact of the development it serves, at Symmetry Park, whilst also safeguarding the route of the Bypass. This view is consistent with planning legislation with regard Infrastructure requirements in JCS Policy 10 and NPPF (para. 56) guidance. This together with provisions in the Section 106 Legal Agreement associated with the Outline Symmetry Park permission, which safeguards land for an enlarged roundabout for a 10-year period, is an accepted and reasonable position to have adopted despite chance it could be perceived as a 'cheap option'. As such the proposal is consistent with Policy 37 as it safeguards the route of the Isham Bypass.

Moving on to other matters associated with Isham Bypass; opposers say that the position of the roundabout would be closer to Isham than the approved Isham Bypass roundabout and that this would result in more impact to Isham villagers than the Bypass roundabout and would create a 'hind leg route' for the Bypass in a subsequent phase.

To assist in the readers understanding of this matter the applicant has produced a plan showing the proposal with the approved Isham Bypass route overlaid; an extract of this plan is shown below:



Not to scale: for information purposes only (north is to the left of the page)

The approved Isham Bypass is the lower emboldened carriageway shown with the proposed dualling above. Using these drawings and allowing for some margin for error the proposal roundabout is approximately 150m further south-eastwards than the Bypass roundabout and thereby is approximately that distance closer to Isham. The most southern extent of the proposal therefore is approximately 450m from the northern edge of Isham. Whilst this is closer than the Isham Bypass roundabout (150m), it maintains significant distance of nearly half a kilometre from Isham and therefore it would not be expected to have any more impact to Isham than the Bypass roundabout would. Detailed matters relating to visual and residential amenity shall be discussed elsewhere in the report.

The position of the proposed roundabout would inevitably mean a change to the alignment of the approved Isham Bypass route where it accesses the roundabout however the LHA do not have highway safety concerns as a result of this changed arrangement and therefore whilst different from the approved Isham Bypass roundabout would safeguard its route.

Therefore, whilst the proposed roundabout will need to be remodelled to accommodate the Isham Bypass, the proposal does safeguard its route and effectively represents delivery of the first 1km phase of it. Moreover, the proposal could also contribute, as a piece of match funding, toward the Infrastructure investment currently being sought for the overall Isham Bypass.

The proposal therefore is considered to advance the prospect of the Isham Bypass being delivered and therefore has wider benefits and should be considered positively in this regard.

#### 4. Impact on character and appearance

Policy 3 of the JCS seeks development to be sensitive to its landscape setting and Policy 8 (d) says that development should respond to a site's immediate setting and local character. This general approach for protection of landscape and for development to be sympathetic to its surrounding environment are also themes in JCS policies 4, 19 and 20 that seek to protect ecology, support the delivery of green infrastructure including in the Ise Valley. These development plan policies are consistent with advice contained within chapter 12 and 15 of the NPPF.

This matter was considered as part of the ES associated with the Symmetry Park Outline application as the dualling formed a fundamental factor in its approval, based on an indicative dualling proposal provided. As such the dualling's influence on the characteristics of the site, the surrounding area and the landscape have already been accepted in the Symmetry Park development approval in principle. Moreover, the issue of character and appearance to the area and the landscape with respect to Isham Bypass has been accepted and is currently an extant permission. However, whilst the considerations of the Symmetry Park and Isham Bypass approval are material planning considerations, this application should be considered on its own detailed merits.

Thereby to address this matter the proposal's impact on 'Landscape and Visual Resources' have been discussed at section 8 of the submitted ES with reference to its appendices 8.1 and 8.2 which respectively relate to a 'Landscape and Visual Impact Assessment (LVIA)', and an 'Arboricultural Assessment'. The ES together with its appendices cover points such as: mitigation measures, construction and operational effects and cumulative effects. In liaison with KBC Officers the LVIA includes a series of photo-viewpoints (10) taken from sensitive receptor points such as from the northern edge of Isham and Public Rights of Way (PROW). The adopted methodology is a sound common approach when assessing landscape and visual impacts and accepted.

The site consists of an existing 1km stretch of the A509 carriageway, verge, trees, hedgerow and a strip of adjacent farmland. The existing character is predominately urban as a result of the roadway although its margins have a more rural character that have a screening function and contribute to the wider farming landscape.

The findings of the LVIA are that views from PROW GW15 (and GW2), which approach the site from Pytchley and from the north of Isham in the vicinity of the Cemetery experience the most (major/moderate) significant effect during the proposal's construction phase and in the early years of operation. This impact reduces overtime as mitigation measures (trees, hedging and PROW realignment) establish and in year 15 of operation (and probably before then) the effect on the mentioned most effected viewpoints are minor and not significant.

The lighting associated with the proposal will be difficult to fully mitigate, particularly with respect to the 8m high lighting columns although the planting will provide some screening. In addition, lighting is only proposed around the roundabout and not for the entire stretch of the dualling, which is welcome. It is also envisaged that the level of lighting spill illustrated on the submitted plans toward Pytchley Brook can be further reduced and mitigated when the detailed Lighting Strategy is approved by condition. Approval of this detailed Lighting Strategy is recommended in the submitted 'Lighting Strategy Report' and by the County Ecologist and is to keep Pytchley Brook as a 'dark place' in the interest of its character and biodiversity value.

The predicted impact on the character of the site as a result of the proposed earthwork, balancing pond and new landscape features and the loss of approximately 2ha of farmland, verges, trees and 200m of hedgerow would see a significant change to the site. This change, during the construction phase and early years of construction are recorded in the ES as having a minor/moderate affect and not significant due to the low sensitivity of the landscape receptor. This is still read as harm, albeit on the low side of harm. Further, this harm will be reduced overtime and rather than be perceived as a change will be read as established landscape features and planting associated with the dualling and the adjacent Symmetry Park development. Any harm therefore experienced to the site relate to 'absolute' harm associated with the carriageway replacing the existing verge, farmland, hedgerow and trees and some harm to the areas enclosing the new carriageway and roundabout for its early years. This harm is limited.

The impacts of the proposal on the wider landscape is heavily influenced by the existing A509, the proximity of the A14 and in time Symmetry Park. Therefore, whilst the proposal can be read as encroachment of urban features into the rural landscape its proximity to established pieces of road infrastructure reduces the overall landscape impact of the proposal and would result in limited harm to the localised landscape with no significant wider landscape harm. Any cumulative impacts relating to the Symmetry Park development are limited-to-zero as both will be apparent in combination and delivered at the same time or sequentially.

The ES concludes that the proposal would have no significant effect on the landscape at any phase and no visual effects after 15 years of operation; due to:



“

- *the visual containment of the site within the wider landscape;*
  - *the fact that the road is lined by mature vegetation that predominantly screens road users and that this lining vegetation will be replaced with similar that will largely screen vehicles by Year 15;*
  - *the fact that the proposals comprise the widening of an existing road that will follow the same line and have the same vegetation lined character, as the original, which means that it will not introduce a new element or pattern into the landscape and, in this respect, will not be out of place or incongruous;*
- 
- *the fact that the proposals will be seen in the context of busy roads and employment development across the near landscape which reduce the scale of change, the implementation of Symmetry Park, Kettering will further urbanise the site context and reduce the scale change; and*
  - *the small area of agricultural land will be converted to highway and the limited loss of landscape features which, together with the above, will result in minimal levels of effect on the wider landscape.”*

The LVIA and the ES final conclusion on this matter are that *“The effects that the Proposals would have on the landscape character of the Site and context, and on views towards the Site from publicly accessible locations beyond the Site boundaries, should not be an obstacle to their implementation.”*

Based on the foregoing ES findings and with no basis to justify coming to a different view the proposal is considered to have limited harm to the character and appearance of the site, landscape and visual amenity throughout the life of the development. Much of this low level of apportioned harm is felt from a few close viewpoints during the construction phase and early stages of operation and shall be reduced to negligible levels as 15 years of operation approaches and beyond once mitigation measures have established.

Whilst this is harm that must be weighed in the planning balance the proposal broadly complies with the development plan and NPPF advice that seek development to be sympathetic to its surroundings and wider context.

#### 5. Impact on heritage assets

Policy 2 of the JCS consistent with Chapter 16 of the NPPF seeks to protect the significance of heritage assets.

The site does not include designated heritage asset and there are none in proximity. Due to the major nature of the proposal however it is conceivable that the proposal could have an impact on nearby heritage assets. Notable nearby Assets include the Grade II Listed Southfield Farmhouse, Grade II

Listed Park at Wicksteed, the Grade II\* Listed Church of St, Peter in Isham and the Grade I Listed Church in nearby Pytchley.

The proposal thereby also 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.

In addition, as the site is close to the village Conservation Areas of Pytchley (1.6km) and Isham (600m) it is 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.

This matter is discussed at Section 9 of the ES and references its supporting fuller Archaeology and Heritage Assessment in its associated Appendix 9.1. The Assessment finds that the proposal would not sever, alter or lose the significance of heritage assets. With respect to the potentially most effected heritage asset - a Grade II Listed Farmhouse 800m to the east – due to the visual and physical separation distances between the proposal and the asset there would be no notable inter-visibility and thereby no impact on significance. The historic landscape character of the site would experience subtle non-significant changes. There is however the high prospect for minor adverse effect, albeit not significant, on non-designated archaeological remains.

Historic England '*do not wish to offer any comments*' and NCC – Archaeology have no concerns subject to imposition of a condition requiring a written scheme of investigation to be agreed prior to commencement. These responses by the relevant Statutory Consultees tally with the above ES findings and deal with the residual adverse effect to archaeological remains that may exist.

As such, and with no evidences or information that would sustain a departure from the conclusions of the ES, the proposal preserves the significance of heritage assets consistent with Policy 2 of the JCS and chapter 16 of the NPPF and is acceptable in this regard.

#### 6. Impact on residential amenity

Policy 8 (e) of the JCS consistent with paragraph 127(f) and 180 of the NPPF seek development to protect residential amenity including impacts arising from noise. JCS Policy 37 (m) also seeks to ensure that the impact on neighbouring settlements is minimised. The impact on residential amenity as a result of the proposals visual intrusion (including light) has been considered above and any impacts caused to residential amenity as a result of air quality are discussed elsewhere in the report.

In terms of direct impacts associated with the physical form of the proposal. The proposal predominately involves works at ground level with the southern edge of the proposal (roundabout) nearly 500m from the closest residential receptor at Winston Drive and Fairfield Road in Isham. It is likely that the residents of those dwellings would be able to see the proposal from their upper floor north-facing windows, particularly the roundabout lighting. The proposal however would be experienced at distance and in the context of the existing A509 and would not constitute a significant change that would result in adverse impacts to outlook, privacy or light.

In terms of disturbance caused as a result of noise and vibration to residential amenity; this is a matter discussed at section 11 of the submitted ES and includes matters such as construction and operational effects, mitigation, monitoring and cumulative effects. Noise assessments were carried out with the methodology agreed with the Council's Environmental Protection Department. The summary of the effects has been captured in the below 'Summary of Effects' table provided:

Activity	Sensitivity of receptor	Likely impact	Short / medium / long term	Magnitude of impact	Significance of effect	Significant / insignificant	Indirect / direct
<b>Noise</b>							
Construction Noise	Medium	Annoyance etc.	Short term	Slight	Negligible adverse	Not significant	Direct
Construction Traffic Noise	Medium	Annoyance etc.	Short term	Slight to Low	Negligible to Minor adverse	Not significant	Direct
Diverted Traffic Noise	Medium	Annoyance etc.	Short term	Slight	Negligible adverse	Not significant	Indirect
Operational Road Traffic Noise	High	Annoyance etc.	Long term	Slight	Negligible adverse	Not significant	Direct

Overall, the level of nuisance associated with the proposal as a result of noise and vibration disturbance is 'not significant' with the greatest (but low) impact being caused as a result of the noise from construction traffic. This impact will be reduced through approval of a Construction Environmental Management Plan (CEMP) required by condition, together with the Construction Traffic Management Plan (CTMP) condition recommended by Highways England. Precise measures relating to piling (if required) shall also be required by condition as impacts associated specifically with piling tend to cause annoyance. Whilst the noise, vibration and highway inconvenience impacts of the proposal, particularly issues arising from its construction can not be fully mitigated, with a low level of disturbance accepted, the greatest nuisance will be short-lived and localised during the proposal's construction phase. The cumulative impact of the proposal arising as a result of Symmetry Park, including its traffic generation have formed part of these considerations.

The ES goes on to conclude that any operational impacts will be minimal when considering that the proposal is along the route of the existing A509, lowers the speed limit and the substantial distance of the proposal from sensitive residential receptors. Any long-term (permanent) noise and vibration effects would be Negligible.

The Council's Environmental Protection Department have considered the above findings of the ES on the matter of Noise and Vibration and agree with its methodology and conclusions. The proposed imposition of a Construction (Environment) Management Plan (including construction traffic routing) condition is recommended and shall reference how the construction is carried out alongside delivery of Symmetry Park. No concerns have been raised by the Borough Council of Wellingborough on this matter who have their own Environmental Protection Department to consider such issues.

Considering the above the proposal complies with Development Plan policies and NPPF guidance which seek to safeguard residential amenity and therefore is acceptable in this respect.

#### 7. Impact on flooding and drainage

Due to the size of the site and nature of the development and because the southern part of the site is in Flood Zone 2 and 3 (high sensitivity to flooding) the impact of the proposal on flood risk is a consideration. Policy 5 of the JCS consistent with Chapter 14 of the NPPF seeks development to contribute towards reducing the risk of flooding. In addition, Policy 37 (g) aims for development to satisfactorily address flood risk.

In order to address this matter section 7 of the submitted Main Environmental Statement discusses 'Hydrology and Flood Risk' impacts associated with the proposal and amongst other things talks about mitigation measures, climate change and cumulative effects. The findings of the Environmental Statement have been supported by a Flood Risk Assessment (FRA) and Drainage Strategy Report at its Appendix 7.1. This report is further referenced in a provided ES Addendum and supporting Technical Notes which were provided to overcome some initial concerns coming from the Environment Agency (EA) and the Lead Local Flood Authority.

The FRA comes to the following conclusions:

- The risk of flooding is low subject to the inclusion of surface water drainage mitigation measures
- Potential to impact on the existing Pytchley Brook floodplain area – modelling work required to establish options to offset impact
- The proposal would not have an adverse impact

To deal with the matter of surface water drainage a Technical Note was provided which clarified various technical points including discharge rates, rainfall assessment and maintenance together with drainage layout and details (including micro drainage calculations). In light of the information provided the Lead Local Flood Authority is satisfied that the surface water drainage

measures proposed are appropriate subject to imposition of a condition requiring full details of the surface water drainage scheme and approval of a Verification Report. These conditions are proposed. As such the proposal provides appropriate surface water drainage measures.

To deal with the Pytchley Brook floodplain matter, details of the existing hydraulic model was provided – which was carried out as part of the Symmetry Park application and was extended to cover the culverted section of Pytchley Brook under the existing A509. The application proposes level for level and volume for volume flood compensation of the 1 in 100 year +65% climate change event with an additional 20% betterment. The floodplain assessment carried out identifies a potential flood plain loss of 355 cubic metres. The minimum floodplain compensation volume agreed with the EA would equate to 426 cubic metres. 470 cubic metres of flood compensation volume has been proposed, which is in excess of minimum requirements.

The EA are satisfied with this approach subject to provision of a condition requiring the scheme to be carried out in accordance with the submitted FRA and the flood compensatory work proposed. This condition shall be imposed. As such the proposal has appropriate measures in place to off-set its flooding impacts.

Any impacts to Pytchley Brook that may arise as a result of construction debris spilling into it shall be managed through the provisions of a Construction Environment Management Plan (CEMP) that is required by condition.

On the basis of the FRA findings and the subsequent information submitted and with no objection from the EA or the Lead Local Flood Authority or evidences that could support a different view the proposal has appropriate regard to surface water drainage and more than off-sets its impact to flooding. Subject to the imposition of the discussed conditions, the application is consistent with Policy 5 and 37(g) of the JCS and Chapter 14 of the NPPF that seek to safeguard the water environment and prevent flood risk.

#### 8. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise, section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.

Policy 4 of the JCS, consistent with chapter 15 of the NPPF seeks development to protect and enhance biodiversity. JCS policies 19 and 20 together with provisions in policy 37(j) are also relevant as they seek the delivery of green infrastructure.

This matter is dealt with at section 6 of the ES with support from the findings of an 'Ecology Baseline' document which included a Phase 1 Habitat survey to identify principal habitat, a Bat Survey, an Otter and Water Vole Survey, a Badger Survey and a Reptile Survey. The findings of the ES and its mitigation measures have also had regard to the suite of ecological surveys carried out as part of the Symmetry Park development and the Isham Bypass scheme.

Overall, the impacts of the proposal to biodiversity are 'negligible' and 'not significant'. The greatest degree of harm within that 'negligible' spectrum being to the lost scrub and hedgerow habitat to the fringes of the existing A509. The same degree of harm also applies to bats and badgers during the construction phase with medium impact (still 'negligible' effect) to badgers during operation as a result of disturbance and road fatality. It is noted that road fatality is an existing issue.

The mitigation measures which result in these low biodiversity impacts include measures such as:

- Retention of the Pytchley Brook culvert and road verges to the eastern edge
- Minimal gap between carriageways
- New woodland, hedgerows and attenuation pond habitat along the western edge of the development
- Significant measures relating to badger protection including fencing and tunnels
- Details relating to construction mitigation measures shall be provided in a Construction Environment Management Plan (CEMP) and/or Ecological Construction Method Statement (ECMS) secured via planning condition and notably shall provide details on protection of Pytchley Brook and species protection with the provision of Ecological Protection Zones (EPZ's)
- An Arboricultural Method Statement shall be provided to protect and retain trees and hedgerow wherever possible. This has been provided as appendix 8.2 of the ES.
- An Ecological Management Plan (EMP) shall be required to maximise opportunities for biodiversity enhancement and to establish management of the new habitats

The ES on this matter concludes that: *"Inherent avoidance, mitigation and compensation measures as part of the Proposed Development design and the implementation of a CEMP, ECMS and EMP are considered capable of ensuring that no significant adverse effects are likely. Furthermore, such measures could potentially deliver net gains in biodiversity and positive Site level effects (not significant) on certain habitats and species."*

Natural England have considered the findings of the ES and have no objection saying *"...that the proposed development will not have significant adverse impacts on statutorily protected nature conservation or landscapes [including Southfield Marsh Farm SSSI]."* Northamptonshire Badger Group have provided a response saying that they *'do not wish to comment'*.

The County Ecologist broadly agrees with the conclusions of the ES and the required plans and strategies and its listed mitigation measures and recommend a revised lighting spill strategy and revisions to the species mix in the landscape plan. These revisions can be required by condition.

On the matter of 'best and most versatile agricultural land' the conclusions of the ES at its section 13.7 are that due to *"the limited amount of agricultural land to be lost... no significant effects on agricultural land or farm viability are likely to occur...."*. The Officer agrees with this conclusion.

Considering, the above findings of the ES together with the broad agreement of relevant statutory consultees to it, adverse impact to biodiversity is negligible and appropriately mitigated through the proposed measures and by imposition of the discussed conditions. This matter, therefore, and with no evidences available that would justify coming to a different conclusion, is not an impediment to development. The proposal is thereby consistent with Policy 4, 19, 20 and 37(j) of the JCS and in-line with chapter 15 of the NPPF and is acceptable in this regard.

#### 9. Impact of ground contamination and minerals

Policy 6 of the JCS seeks the granting of planning permission on land affected by contamination where it can be established that the site can be safely and viably developed with no significant impact on users or on ground and surface water.

The Symmetry Park application was accompanied by a Phase I (desktop) ground contamination report. This contamination report was referenced in this submission at section 13.6 of the ES. The site consists of farmland with potential for contamination associated with that use. In addition, there is potential for contamination associated with A14 works, nearby watercourses and naturally occurring arsenic. Given the low sensitivity of the proposal to be affected by contamination, risks associated with ground contamination is low. As such and consistent with the recommendations of the Council's Environmental Protection Officer this matter is addressed through the provision of an expected uncontamination condition.

Any potential for contamination to arise as a result of the proposals construction shall be mitigated through the approval of the CEMP, which is required by condition.

The site is located within a Minerals Safeguarding Area. However, much of it includes the existing A509 or otherwise is within the highway boundary. The area affected would not represent a practical/usable source for mineral extraction and significant effects are not anticipated. This thereby ensures that the proposal conforms to Policy 28 of the Northamptonshire Minerals and Waste Local Plan (2017) which seeks to protect minerals from sterilisation.

The proposal therefore would not have any significant effects relating to geology or contamination and is acceptable in this respect subject to imposition of the unexpected condition mentioned.

10. Impact on air quality

Policy 4 (a)iii) of the JCS seeks development to protect the natural environment from air pollution and Policy 8 (e) seeks to protect amenity from pollutants. This development plan approach is consistent with paragraph 170 of the NPPF.

Like how impact on highway safety was assessed the affects of traffic movement on air quality relate to the increase in trips associated with the Symmetry Park development rather than directly from the dualling, which as a stand-a-lone development would attract low levels of additional traffic movement. As such this matter was addressed in the ES that supported the Symmetry Park application and was acceptable. In addition, the impact of Isham Bypass with respect to air quality would have formed part of its determination criteria and as it was approved was acceptable in this regard. Nevertheless, every application should be considered on its own detailed merits.

This matter has been covered in the submission at section 12 of the ES and includes evidences such as a construction phase dust assessment, traffic data and background air quality to make its case and was compiled in liaison with KBC and BOW Environmental Protection departments.

Currently there are no Air Quality Management Areas (AQMAs) within the Borough.

The ES provides the following summary of effects table:

Activity	Sensitivity of receptor	Likely impact	Short / medium / long term	Magnitude of impact	Significance of effect	Significant / insignificant	Indirect / direct
<b>Air Quality</b>							
Construction phase	High	Health and amenity effects	Short term	Negligible	Negligible	Not significant	Direct
Operational phase	High	Health effects	Continuous	Negligible	Negligible	Not significant	Direct

Overall, the ES considers that, with the implementation of commensurate mitigation, the effect of the construction phase to health and amenity would not be significant with negligible impact on air quality in 2031 during operation. Background concentration of air pollutants is predicted to reduce as technology improves and a reduction in waiting times at junctions as a result of the



proposal. Impacts to biodiversity and particularly those relating to the Southfield Marsh Farm SSSI have been considered elsewhere in this report.

Mitigation measures during the construction phase shall be provided through the provision of the (Construction Environment Management Plan) CEMP and (Construction Traffic Management Plan) CTMP discussed elsewhere in the report. The application has been supported by an Outline CEMP, which sets the broad parameters of the construction arrangements in the absence of an appointed contractor and on that basis is acceptable. As such provision of a full CEMP shall be required by condition in line with the advice of the Council's Environmental Protection Officer.

Based on the foregoing findings and in the absence of any conflicting evidence that would sustain an alternative view the proposal, with imposition of the discussed safeguarding conditions, shall not have significant impact to health and amenity as a result of its impacts on air quality. The application is therefore consistent with Policy 4 and 8 and is consistent with paragraph 170 of the NPPF and acceptable on this matter.

#### 11. Duty to engage

The NPPF in chapter 4 encourages pre-application engagement and front-loading of applications and advocates applicant engagement with local communities. Local Planning Authorities (LPA) are also encouraged to work proactively with applicants.

The proposal was subject to pre-application advice, where a lot of the key issues were discussed and whilst this could have been a more fruitful exercise for the applicant, with little information provided, the application was improved because of it. In addition, the LPA has invited additional information during its course in response to objections. This thereby satisfies the obligations of the LPA to work proactively with the applicant and the applicant's duty to engage in pre-application discussions.

In addition, the applicant has carried out a public consultation exercise which is evidenced in the Statement of Community Involvement document submitted. This exercise included a public exhibition and letters to nearly 6000 households in the area. Feedback was sought and discussed in the Statement. This demonstrates the applicant's public engagement responsibilities.

#### 13. Benefits

The Planning Statement provided with the application has failed to take the opportunity to discuss the schemes benefits; however, these can be summarised as follows:

- The provision of direct jobs associated with construction
- Would deliver a necessary piece of infrastructure associated with the Symmetry Park development and therefore would be a direct contributory to that proposal and its significant economic development benefits, including the provision of over 2000 job opportunities

- Would, together with the Symmetry Park development, deliver sustainable travel options including a shared footway/cycleway between Kettering and Isham and bus service infrastructure
- Benefits associated with effective delivery of phase I of the Isham Bypass and the contributing factor it could play in match-funding toward its full delivery

These benefits cumulatively should be afforded significant weight in the planning balance.

#### 14. Planning balance

The benefits that would accrue from the development are set out above and acknowledge that significant weight can be afforded to the economic and social dimensions of the NPPF.

The proposal would have some elements of harm to the visual amenity of the site and its immediate surroundings notably from close viewpoints and some harm can be applied to biodiversity and effects caused to amenity (nuisances), particularly during the construction and early phases of the development. Separately, these elements of harm are not considered to be significant. Together they are considered to amount to a minor level of harm that is afforded limited weight when making the planning balance.

That being the case the limited weight afforded to the identified harm, separately or cumulatively, would not outweigh the significant benefits attributed to the proposal and particularly those that are derived from the provision of socio-economic benefits. Such benefits would hold the tilt in the balance where relatively minor level of harm apply. The proposal therefore is considered to meet the three dimensions of sustainable development (economic, social and environmental) required in the NPPF when assessed as a whole. Moreover, this harm would not warrant a conclusion of there being conflict with the development plan when read as whole.

#### **Conclusion**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposal is in accordance with the development plan when read as a whole. Thereby under such circumstances and consistent with paragraph 11 of the NPPF, which details the presumption in favour of sustainable development, the proposal is considered to be sustainable and should be approved without delay as it comprises the right type of development in the right place and at the right time to support growth in a way that is plan-led.

Consequently, and in the absence of material considerations or persuasive cases that would justify coming to a different conclusion the application is recommended to the Planning Committee for approval subject to the imposition of the conditions detailed.

**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 - 10/03/2020</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Jonathan Pavey-Smith Development Officer</b>	<b>Application No: KET/2019/0701</b>
<b>Wards Affected</b>	<b>Brambleside</b>	
<b>Location</b>	<b>17 Regal Drive, Kettering</b>	
<b>Proposal</b>	<b>Full Application: External wall render</b>	
<b>Applicant</b>	<b>Mrs K Lisowska</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 finished colour of the external wall insulation shall be cream (Pastel colour 001) as confirmed in the application form.

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

## **Officers Report for KET/2019/0701**

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

### **3.0 Information**

#### **Relevant Planning History**

None

#### **Site Description**

The application site is located within the north of Kettering within the designated town boundary. The site is within an established residential area which contains mostly detached two storey residential dwelling which are finished mostly in brickwork, however there are elements of cream textured render within the estate.

#### **Proposed Development**

This application seeks planning permission for the installation of external wall insulation finished in a cream render (Pastel 001) as stated in the application form. The wall installation has a thickness of 53mm. The installation will be on the front, side and rear elevations.

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

None

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

#### **Neighbours**

Notification letters were sent out to neighbours in close proximity and a site notice was erected at the site; the following responses were received:

Objections received from : 5 Forest Glade Kettering

Issues raised:

- No Detail of the exact finish/colour
- The application is devoid of detail
- The application will increase fire risk, like the Grenfell fire
- The render will not be in keeping with the rest of the estate which is mostly brick
- Will the render pass building regulations.
- No method of the existing method of fixing the existing walls

### **5.0 Planning Policy**

#### **National Planning Policy Framework**

Para 14 - Presumption in Favour of Sustainable Development  
Policy 7 – Requiring Good Design

## **Development Plan Policies**

North Northamptonshire Joint Core Strategy

Policy 8 North Northamptonshire Place Shaping Principles

Policy 9 Sustainable Buildings

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

None

### **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

### **8.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Visual Impact
2. Other Matters

## **Visual Impact**

Section 7 of the NPPF and Policy 8 of the JCS states that Local Planning Authorities seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

The use of external wall insulation does need to be balanced with Policy 8 of the JCS. The policy seeks to ensure that the materials used on buildings relate sympathetically to the surrounding area. The application dwelling currently has a red brickwork while most adjacent detached properties also have brickwork finishes. However, there are dwellings surrounding the site which have render to parts of their elevations, and the introduction of render as a material within the surrounding streetscene would not be seen as jarring or unusual.

While not a new development in the sense of the construction of a dwelling, the installation is being carried out in the spirit of Policy 9 of the JCS. This seeks to encourage the use of energy efficiency measures to meet the challenge of climate change.

Having reviewed the proposed colour range and based on the general appearance of the wider street scene, it is considered that the benefits to the homeowner in terms of energy bills as well as improving the sustainability of the dwelling; and the lack of considered harm on the appearance and character of the area from the proposed external wall insulation means the application is recommended for approval.

## **Other Matters**

Concern has been raised by a neighbour in respect to the increase in the fire risk due to the wall installation or if there is any cladding proposed. Fire risk is a building regulations matter and not a material planning consideration.

## **Conclusion**

The proposal is considered to satisfy national and local planning policy. It is appropriately designed and will not impact on neighbouring properties. As such it is my recommendation that planning permission should be granted subject to the recommended conditions.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Jonathan Pavey-Smith, Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date:





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## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 10/03/2020</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Mark Coleman Development Officer</b>	<b>Application No: KET/2019/0773</b>
<b>Wards Affected</b>	<b>St. Peters</b>	
<b>Location</b>	<b>23 Greenfield Avenue, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Replace existing single storey garage and utility area with two storey side extension and single storey rear extension</b>	
<b>Applicant</b>	<b>Mr D Mrs &amp; M McFarlane</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 window serving the first floor landing on the south elevation shall only be glazed with obscure glass (no less than privacy level 5 Pilkington Standard, or equivalent) and shall be of non-opening type (sealed shut) and shall be permanently retained in that form thereafter.

REASON: To protect the privacy of the occupiers of no. 25 Greenfield Avenue, Kettering and the occupiers of no. 23 Greenfield Avenue, Kettering from overlooking, 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 additional openings permitted by Schedule 2, Part 1 Class A shall be made in the south (side) elevation 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.

4. The materials to be used in the construction of the external surfaces of the development 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.

5. 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.

## **Officers Report for KET/2019/0773**

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

### **3.0 Information**

#### **Relevant Planning History**

None Relevant

#### **Site Visit**

Officer's site inspection was carried out on 03/01/2020.

#### **Site Description**

The site is located towards the west of Kettering within the existing settlement boundary and forms part of an established residential area and is located directly on Greenfield Avenue. The site comprises a two-storey semi-detached dwelling constructed circa 1950's, which forms one of many pairs along the road which has a largely homogenous character. The building is constructed from red brick, Canterbury spar render relief panel between the two front bay windows, grey concrete interlocking tiles to the main roof. Windows are white UPVC. A red brick chimney extends beyond both the front and rear roof plane. The rear elevation is constructed from a multi-stock brick; a white UPVC framed conservatory attaches to the rear elevation and leads to a raised patio which steps down to a relatively level rear garden laid to lawn with shrub borders. Like neighbouring properties, the dwelling is set back from the highway following a rigid building line, providing a single vehicular parking space which leads to an attached, flat roofed garage with a staggered brick parapet feature above the garage door. A small garden is also located to the front which is enclosed by a low garden wall. The front elevation comprises a double height bay window; the main entrance is recessed beyond an arched porch enclosure. Gated side access leads to the rear which runs parallel to the rear access to 25 Greenfield Avenue.

#### **Proposed Development**

Planning permission is sought for a two-storey extension and conversion of the existing garage, to provide an enlarged kitchen/diner, utility and store-room to ground floor and relocation of downstairs W.C and creation of an additional bedroom and bathroom and enclosure for boiler to first floor.

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

Nene Valley NIA Boundary

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

#### **Neighbours**

Comment of objection received from the occupiers of 25 Greenfield Avenue, Kettering on 17<sup>th</sup> December 2019. Grounds for objection include loss of privacy, access to natural daylight, incongruous impact on the street scene

(out of keeping in terms of scale, character, layout, appearance), overbearing impact on 25 Greenfield Avenue by virtue of size, design and proximity. Access to natural daylight to the rear of their kitchen where the occupiers eat and socialise and the landing area (which in turn affects the stairwell and hallway) will be adversely affected. Loss of privacy from the opposing landing window on the proposed extension will also result in a loss of privacy. Loss of the garage and increase in property size will adversely impact on parking in the area.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Section 2 : Achieving sustainable development

Section 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

Policy 29 : Distribution of new homes

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

Policy 35 : New Housing – Within Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site-

Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

## **8.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on the Character and Appearance of the Area
3. Impact on Residential Amenity
4. Impact on Parking and Highway Safety
5. Impact on the Nene Valley Nature Improvement Area

### **1. Principle of Development**

At the heart of the NPPF is a presumption in favour of sustainable development as set out in Section 2, paragraph 10 (NPPF), based around three overarching objectives (economic, social and environmental). Section 12, paragraph 124 (NPPF) states that 'good design is a key aspect of sustainable development'.

The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area where Policy 35 is supportive of proposals for residential development in principle which includes extensions to existing properties.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

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

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

### **2. Impact on the Character and Appearance of the Area**

Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraphs 124 and 127 set out that good design is a key aspect of sustainable development.

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

Comment from the occupier of 25 Greenfield Avenue raises objection to the design of the proposed development stating it is *'an undesirable and incongruous form of additional development in the street scene, which is out of keeping with the scale, character, layout and appearance of the existing residential development in the locality'*.

The proposed two-storey side extension steps down and back from the front building line and main ridge line (with exception of the store which is in line with the front of the house) and has a subservient appearance which maintains the building hierarchy. The design of the existing hipped roof formation along the street is maintained. Although spacing between opposing properties will be visually weakened, this will be partially preserved by the neighbouring property which has not been extended at first floor level to the side (and does not benefit from extant permission to do so) and the prevailing character is preserved. The fenestration of the proposed extension responds to the overall positioning of openings on the existing elevations. Subject to materials matching those used in the construction of the existing property, taking into account the comments from the occupiers of 25 Greenfield Avenue, it is considered that the proposal will have an acceptable impact on the character and appearance of the area and accords with the relevant parts of Section 2 (NPPF) and Policy 8 (NNJCS).

### **3. Impact on Residential Amenity**

Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

Comment from the occupiers of 25 Greenfield Avenue raises objection on the grounds of the proposal having an overbearing impact as a result of its scale, design and proximity, which in turn has an adverse impact on access to natural light, which will affect the kitchen, landing and other circulation spaces. The objector also states that the proposed landing window will result in a loss of privacy as a result of overlooking.

The two-storey element of the proposed extension sides on to the flank wall of 25 Greenfield Avenue and will be positioned approximately 20 centimetres closer than the existing garage. This space between the buildings (flank wall to flank wall) provides narrow footpath access to the rear gardens only and is not a main part of the private gardens which serve either property. Windows at no. 25 Greenfield Avenue serving habitable rooms do not directly look out onto the proposed two-storey extension.



Whilst the kitchen / lobby glazed door serving 25 Greenfield Avenue opens on to the side elevation of the proposed two-storey side extension, the first floor element will not be readily visible from within the kitchen eating area. The side kitchen window serving the same property is set further back from the shared boundary and will look directly out towards the single storey element of the proposed side extension located to the rear; this element of the proposal is also designed with a hipped roof which also minimises potential impacts.

Whilst access to natural light from these areas will be diminished at certain times of the day, due to the orientation of the site (north of 25 Greenfield Avenue), the location of the proposed development and the fact that the kitchen at 25 Greenfield Avenue benefits from dual aspect, impact on access to natural light and overshadowing will not be so significantly harmful to warrant refusal of this application.

It is anticipated the proposed two storey side extension will have the greatest impact on residential amenity when viewed from the first-floor landing window of 25 Greenfield Avenue which faces north, towards the proposed extension at a distance of approximately 6.5 – 7 metres and directly adjacent the proposed landing window. In terms of being overbearing, the impact will be significant and adverse compared to the current arrangement. However, only very limited weight can be applied as it will not affect a habitable room where the impact on residential amenity would be unacceptable. In this instance, the impact is on circulation space within the property, of which many properties do not benefit from windows to these areas. It is acknowledged that access to natural light within the landing area and adjoining stairwell and hallway is likely to be reduced given that the window faces north, but for the same reasons, this is not considered to be unacceptable. The potential loss of privacy or perception of loss of privacy is possible between the opposing first-floor landing windows. However, the applicant has sought to resolve this by proposing a sealed shut, obscure glazed window. Subject to this being secured by condition with maximum obscurity being applied, this aspect of the proposal will secure adequate levels of privacy. In addition, a condition removing permitted development rights which could allow additional windows to be inserted in the south (side) elevation is also proposed to protect against loss of privacy within garden areas. Subject to this, notwithstanding the objections received it is considered that the proposal will have an acceptable impact on residential amenity and accords with the relevant parts of Section 12 (NPPF) and Policy 8 (NNJCS).

#### **4. Impact on Parking and Highway Safety**

Section 9, paragraph 108(b) (NPPF) states that when considering applications for development, it should be ensured that '*safe and suitable access to the site can be achieved for all users*'.

Policy 8(b)(ii) 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.

Comment from the occupier of 25 Greenfield Avenue raises objection to the loss of the existing garage and the increased parking demand which the additional living space will place on the area.

The submitted plans demonstrate that existing parking provision in the form of 1 garage space (5.1m (d) x 2.25m (w)) and 1 driveway space (5m (d) x 2m (w)). Both provisions fail to meet current dimensional requirements set out within the Northamptonshire Parking Standards (September 2016) which is indicative of the property's age when lower standards applied. The proposal will result in the loss of one sub-standard parking space (garage) which is arguably not suitable for parking in any instance; as a result in terms of impact on parking provision, the proposal will not actually result in a significant loss. There is no evidence to indicate that there are significant parking pressures on the surrounding highway network at present or that the addition of an extra bedroom will have a significant impact on parking demand in the area. The site is located within the town boundary of Kettering and within relatively close proximity of the town centre and sustainable modes of transport such as the train station. In addition, the provision of a store within the proposal will provide space for storage of a number of bicycles if required. As a result, it is considered that the impact on parking and highway safety will be satisfactory and although the remaining level of parking provision does not accord with the aforementioned standards, these are not adopted by Kettering Borough Council and are a material consideration only. Given that there is no change to the existing access, it is considered that the proposal does not conflict with the relevant parts of Section 9 (NPPF) and Policy 8 (NNJCS).

#### **5. Impact on the Nene Valley Nature Improvement Area**

Section 15 (NPPF) places an emphasis on ensuring that planning decisions contribute to and enhance the natural local environment including protecting the natural environment, including biodiversity.

Policy 19 of the North Northamptonshire Joint Core Strategy focuses on maintaining and enhancing the special mixed urban and rural character of the area, which the Nene Valley Nature Improvement Area (NVNIA) helps to achieve. Policy 20 of the North Northamptonshire Joint Core Strategy highlights that development and investment will be managed to strengthen biodiversity and landscape character in the area.

The application site is located on an existing residential street within a small housing development. The proposed extension will replace the footprint of the existing garage and extend over an area of patio hardstanding. As a result, the proposal will have an extremely limited impact on the natural landscape and will not have a significant adverse impact on landscape character or biodiversity. The proposal therefore does not conflict with the relevant parts of Section 15 and Policy 19 and 20 of the North Northamptonshire Joint Core Strategy.

#### **Conclusion**

The proposal is acceptable in principle and in terms of its impact on residential amenity, character and appearance of the area, residential amenity, parking

and highway safety and the Nene Valley Nature Improvement Area. Whilst issues raised through third party comment relating to overbearing impact, overshadowing, loss of access to natural light, loss of privacy through overlooking, impact on parking are all material considerations, these do not outweigh the principal policies referred to which provide support in favour of the proposal. As a result, subject to conditions already discussed, in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Mark Coleman, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:



**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 10/03/2020</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Jonathan Pavey-Smith Development Officer</b>	<b>Application No: KET/2019/0789</b>
<b>Wards Affected</b>	<b>Desborough St. Giles</b>	
<b>Location</b>	<b>115 Dunkirk Avenue, Desborough</b>	
<b>Proposal</b>	<b>Full Application: Replace boundary fence with brick wall and gates. Outbuilding to rear (Part Retrospective)</b>	
<b>Applicant</b>	<b>Mr D Nolan</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 plan numbers S01, SK01, SK02, SK02, SK03A received on 08/11/19.

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 materials to be used in the construction of garage/outbuilding hereby permitted shall be those as stated in the application form.

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

## **Officers Report for KET/2019/0789**

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

### **3.0 Information**

#### **Relevant Planning History**

PRE/2016/0092 - 1 no. Dwelling – Advice given.

KET/2016/0712 - 1 no. Dwelling - Approved 17 January 2017.

#### **Site Description**

The application site is located within the central south-west of Desborough within the designated town boundary. The site is a corner plot on the junction of Dunkirk Avenue and Princes Avenue which contains a two-storey residential dwelling which is finished with a cream textured render and red brick banding around the bottom 1m of the elevations. The dwelling is dual fronted with two projecting gable ended elements at 90° degrees to each, one fronting Princes Avenue and the other Dunkirk Avenue, the front door is located in the centre of these projecting gables facing the corner junction.

To the north of the site 41 Princess Avenue has been built and completed under planning application KET/2016/0762. The proposed garage sites between 115 Dunkirk Avenue and 41 Princess Avenue. Under KET/2016/0762 permitted development rights were removed from the site.

#### **Proposed Development**

This application seeks planning permission for the replacement boundary fence with a brick wall and gates with an outbuilding/garage. The scheme is part retrospective with the replacement wall and the garage partially completed. This work has since ceased on site.

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

None

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

#### **Neighbours**

Notification letters were sent out to neighbours in close proximity and a site notice was erected at the site; the following responses were received:

#### **Issues raised:**

- The building work has already started.
- No Measurements on the plans to say how high the outbuilding garage will be.
- The outbuilding will block out the light into No117 kitchen window and block sunlight to the garden.
- On the original plans for the approval of the dwelling at No41 Princess Road a condition removing permitted developments rights

- Presently, the wall has been built at the front of the garden and is preventing the owner from parking on his driveway. This is causing the vehicle to block the highway.
- Roof and guttering will overhang boundary.
- Original plans for garage were refused in January 2017

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Para 14 - Presumption in Favour of Sustainable Development

Para 17 - Core Planning Principles

Policy 6 – Delivering a wide choice of high-quality housing

Policy 7 – Requiring Good Design

### **Development Plan Policies**

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

Policy 1 Presumption in favour of Sustainable Development

Policy 8 North Northamptonshire Place Shaping Principles

Policy 11 Network of Urban and Rural Areas

## **6.0 Financial/Resource Implications**

None

## **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in

greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

## **8.0 Planning Considerations**

The key issues for consideration in this application are:-

- Principle of Development
- Design & Visual Impact
- Residential Amenity
- Other Matters

### **Principle of Development**

Policy 6 of the National Planning Policy Framework (NPPF), Policy 11 and 29 of the North Northamptonshire Joint Core Strategy and saved Policy 35 of the Local Plan for Kettering Borough require new development to be focused within designated settlement boundaries unless rural exceptions apply. The application site is located within the designated settlement boundary of Desborough where development is considered appropriate subject to compliance with all other relevant policies.

### **Design & Visual Impact**

Paragraph 14 of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. This is further supported by Section 7 of the NPPF and Policy 8 of the JCS. Local Planning Authorities must seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Although the existing application site addresses both Dunkirk Avenue and Princes Avenue, the proposed wall and garage will sit within the street scene of Princes Avenue. Princes Avenue comprises a mix of detached and semi-detached two storey dwellings with a mix of external finishes.

Concerns have been raised by No117 in regard to the proposal being overdevelopment of the site and that the removal of permitted development rights under application KET/2016/0762 were set to control development on the site. It is also acknowledged that the applicant commenced work without planning consent. Nonetheless, the proposed garage/outbuilding's size when compared to the rear curtilage as a whole is of a scale which will not detract from No115 Dunkirk Avenue. No115 Dunkirk is seen to have sufficient rear amenity area to accommodate the garage/outbuilding. It is considered the scale and design of the garage/ outbuilding will not detract from the street scene.

It should be noted that during the application (KET/2016/0712) for the dwelling proposed for a double garage were removed. This is materially different from the current scheme in terms of its scale.

Concerning the replacement wall, it should be noted that the wall is replacing a wooden fence which ran between No41 Princess Avenue and 115 Dunkirk



Avenue. It is considered the replacement wall responds well to the existing character of the area and will sit comfortably within the street scheme.

It is therefore considered that the proposal will not have a detrimental impact on the character and appearance of the local area and as such is in accordance with Policy 7 of the NPPF and Policy 8 of the JCS.

### **Residential Amenity**

Paragraph 17 of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light, overbearing or overlooking.

No117 Dunkirk Avenue have stated their concerns that the proposed garage will lead to light loss into their rear kitchen window. The proposed garage/outbuilding is to the rear of the host dwelling. The orientation of the proposed outbuilding/garage is to the north of the rear kitchen window of No117 Dunkirk Avenue. This northern orientation will limit the loss of direct sunlight into No117 Dunkirk Avenue rear kitchen window. In addition, the separation distance of 6m and the single storey 2.8m maximum height will limit the impact on No117 Dunkirk Avenue. Given the scale of the building there will not be a significant loss of sunlight to the rear garden of No117 which is another concern of the neighbour.

Bearing the above in mind the proposal is not considered to have an unacceptable impact on amenity in terms of overbearing impact, overshadowing or loss of privacy to neighbouring properties and is therefore considered to be in accordance with Policy 8 of the JCS.

### **Other Matters**

Concern has been raised by a neighbour in respect to the garage and replacement wall being commenced without planning consent. However, the work has ceased and the plans on this application will be assessed on their own individual merits.

### **Conclusion**

The proposal is considered to satisfy national and local planning policy. It is appropriately designed and will not impact on the neighbouring properties. As such it is my recommendation that planning permission should be granted subject to the recommended conditions.

### **Background Papers**

Title of Document:  
Date:

### **Previous Reports/Minutes**

Ref:  
Date:

Contact Officer: Jonathan Pavey-Smith, Development Officer on 01536  
534316



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**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 10/03/2020</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2019/0854</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>13-15 Dalkeith Place, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Conversion of outbuildings for A4 use (drinking establishment), single storey glazed extension and covered seating area. Demolish 1 no. outbuilding, replacement gates and boundary wall with render. Use of hardstanding as beer garden</b>	
<b>Applicant</b>	<b>Wetherspoon</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).

2. 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

3. The development shall be carried out in accordance with an external materials and finish schedule and boundary treatment details that shall first be submitted to and approved in writing by the local planning authority. The development shall remain in that approved form thereafter.

REASON: In the interests of the visual amenities of the area in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

4. The development shall be carried out in accordance with a scheme detailing the security measures/ standards to be incorporated into the development that shall first be submitted to and approved in writing by the local planning authority. The provided scheme shall only allow use of the access gates serving the 'beer garden' by patrons for emergency purposes and shall include details of how access shall be controlled

including surveillance measures. The development shall remain in that approved form thereafter.

REASON: To reduce the potential for crime and in the interests of fire safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall remain in that form thereafter.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to the installation of any plant a noise assessment detailing the impact on noise sensitive properties shall be undertaken in accordance with BS41412:1999 (or later amendments) and submitted to the Local Planning Authority for approval, including noise mitigation measures required to ensure that the noise from the plant is 5dB(A) or more below the existing background noise level. The plant and any required noise mitigation measures shall be installed in accordance with the approved details before first use and maintained in the approved state.

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

7. The use of the outdoor 'beer garden' and 'covered area' hereby approved and shown on approved plan P-101B, shall not be carried out before 09:00 hours or after 21:00 hours on Mondays to Thursdays, nor before 09:00 hours or after 22:00 hours on Fridays and Saturdays, nor before 09:00 hours or after 21:00 hours on Sundays or any recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

8. There shall be no public address or other sound amplification system installed or used at any time on the site.

REASON: In the interests of the amenities of the occupants of neighbouring properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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/2019/0854**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2019/0042 - Conversion of car park and outbuildings to create external seating area, bin store and bar, change of use to A4 and associated works – APPROVED at the 04/06/2019 Planning Committee

KET/2014/0708 - conversion of car park and outbuildings to create external seating area, bin store and bar, change of use to A4 drinking establishment, creation of new opening to rear elevation of public house and erection of glazed external lobby and new boundary fence and gates - APPROVED - 12/02/15

#### **Site Visit**

Officer's site inspection was carried out on 03/02/2020

#### **Site Description**

The site comprises a former factory/retail property and the established Earl of Dalkeith public house (PH). The disused buildings were used for the retail of shoes with an element of storage and are also understood to have been used for holiday promotions, furniture sales and caravan repair in the past.

The surrounding area has a mix of uses; including the vacant Remi's nightclub (former 'Liberal Club'), dwellings and other PH uses to the south. To the north is a vacant commercial unit with residential above and its associated rear parking area and to the east is an attached building that has planning permission for conversion to a dance and photographic studio.

The site falls within the designated Conservation Area for Kettering and within The Silver Street Quarter designated within the Area Action Plan for Kettering Town Centre Area Action Plan (KTCAAP).

The site is dissected by the extent of primary shopping area, which follows the existing rear elevation of the Earl of Dalkeith public house, as set out in policies 2 and 3 of the KTCAAP.

#### **Proposed Development**

The application seeks planning permission for the conversion of outbuildings to A4 (drinking establishment) use and a single storey glazed extension. It is also proposed to remove an external wall to one of the existing outbuildings, whilst retaining its roof to create a covered seating area, replace the access gates and boundary wall with use of the outside space as a beer garden. Internal modifications within the existing PH is also proposed with much of the first floor proposed to be used as a kitchen.

The key difference between this proposal and the 2019 permission is that the scheme makes more use of the existing buildings for conversion rather than demolition.

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

- Within Conservation Area
- The former Liberal (Remi's) Club at Dalkeith House, Dalkeith Place to the south is currently being considered by Historic England for Listed Building designation
- Fronts a classified A-Road
- Within the designated Town Centre
- The existing PH is designated as being within the Primary Shopping Area

## **4.0 Consultation and Customer Impact**

**NCC - Local Highway Authority (LHA):** Say that they require further information, with the following observations:

- No gates shall be erected within 5.5m of the highway boundary
- The proposal is not consistent with parking standards and therefore a parking beat survey should be carried out, including photographic evidences
- Highway access width of at least 3.7m wide and non-obstructed should be available
- The provision of secure cycle storage is encouraged
- If the application is approved a condition should be included to prevent the migration of construction debris to the highway

**KBC Environmental Protection Department –** No objection subject to the repeat of conditions imposed on the 2019 permission. These conditions include restricting hours of use and the use of sound amplification equipment in the outside areas, approval of an external lighting scheme, a plant noise assessment and unexpected contamination.

**Northamptonshire Police – Crime Prevention Design Advisor (CPDA):** Say that they have concerns regarding the lack of crime prevention, security and fire safety measures provided. Specifically, the concern relates to the fear of uncontrolled access via the accessing serving the outside area and the exceedance of safe numbers of persons entering the PH. Further information should be provided as to how occupancy levels will be controlled.

**Neighbours:** Three third-party letters of objection received from two nearby properties. Summarised grounds of objection:

- Operational hours of outdoor area should be restricted to 11pm so as not to disturb adjoining residents



- Wall and roof adjoining neighbouring property are in poor condition and require maintenance
- Noise disturbance and nuisances (including from flooding and smell) caused to adjacent occupiers and businesses, with specific concern from the adjacent business associated with the location of the proposed toilets to the shared internal walls
- Security concerns

## **5.0 Planning Policy**

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

2. Achieving sustainable development
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Supporting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
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 on brownfield land and land affected by contamination
8. Place shaping
11. The network of urban and rural areas
12. Town centres and town centre uses

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

58. Employment: Within Towns
64. Shopping: Development Within Established Shopping Areas

#### **Kettering Town Centre Area Action Plan (KTCAAP)**

2. Urban Quarters, Urban Codes and Development Principles
3. Primary Shopping Area (Primary and Secondary Frontages) and the Evening Economy
12. Heritage, Conservation and Archaeology
22. The Silver Street Quarter

#### **Other documents:**

Kettering Conservation Area (2007) Review

## **6.0 Financial/Resource Implications**

None

## **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site-Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

## **8.0 Planning Considerations**

The key issues for consideration in this application are: -

1. The principle of the development
2. Impact on character and appearance
3. Impact on neighbour's amenity
4. Impact on highway safety
5. Crime and fire safety implications
6. Other matters

### 1. The principle of the development

The principle of the proposal, including the change of land and building use in association with the PH, has been established through the grant of the 2019 application, which is extant. As such and given that this scheme is comparable to the 2019 consent and with no reason to adopt a different approach the basic tenet of the proposal is acceptable.

### 2. Impact on character and appearance

Policy 8 (d) of the JCS requires new development to raise standards – to be of a high standard of design and architecture; to respect and enhance the character of its surroundings; and to create a strong sense of place by strengthening distinctive historic qualities and townscape through its design. This approach is consistent with Chapter 12 of the NPPF, which sets out the importance of good design and underlines how good design is indivisible from good planning and sustainable development.

The Local Planning Authority is required by Section S72(i) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Chapter 16 of the NPPF protects heritage assets from harm through inappropriate development. Policy 12 of the KTCAAP and Policy 2 of the JCS say that development proposals should preserve or enhance the existing historic environment.

As the adjacent former Liberal (Remi's) Club is not currently a Listed Building, despite a possibility that may change shortly, the proposal is considered on that basis.

The existing buildings have a simple design enclosing a service courtyard, accessed from Dalkeith Place. This arrangement is typical of infill rear yard development in Kettering as identified in the Conservation Area Review. The modernity of some of the buildings means that the site does not have significant merit within the Conservation Area, although some of the buildings and boundary walls contribute modestly toward the area's Victorian industrial past.

The application seeks to convert the existing buildings or otherwise make use of them for inside seating, toilets, staff areas, bin storage and a covered seating area with an open elevation. The extension proposed would have a lightweight subordinate character and appearance. The conversion of existing buildings and the retention of the 'courtyard' layout respects the former industrial character of the site and helps to incorporate the scheme into its historic environment. This approach to the scheme is betterment when compared with the 2019 approval which saw significantly more demolition. Conditions can be applied requiring approval of boundary treatment and materials.

The proposal therefore respects the character and appearance of the area and preserves the significance of heritage assets. Subject to the imposition of the conditions discussed the proposal is consistent with Policy 2 and 8 (d) of the JCS, policies 2, 12 and 22 of the KTCAAP and the relevant parts of the NPPF and therefore is acceptable in this regard.

### 3. Impact on neighbour's amenity

Policy 8 (e) of the JCS, consistent with paragraph 127 (f) says that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell light or other pollution, loss of light or overlooking.

There are two residential properties (Cleveland Villa and Eastholme) to the south of the site. One of which had objected at the time of writing this report. The rear elevations to these dwellings are within 1 metre of the shared boundary. There are however no habitable room windows are in the rear elevations of those dwellings although there are upper floor windows that appear to serve bathrooms.

The 2019 scheme considered the impact of much the same proposal to those dwellings. That scheme was acceptable subject to the imposition of conditions which limited the hours of use of the external seating area, bar and storage buildings and therefore did not have a detrimental impact on the amenity of neighbouring residents as a result of noise or disturbances caused. Further conditions attached ensured that there was no amplification of sound or external lighting without full details having been submitted to and approved in writing by the Local Planning Authority. In addition, a condition requiring approval of a noise assessment associated with plant was required.

The site and its surroundings do not appear to have changed since the 2019 application was considered and therefore no differing circumstances. As such there is no reason to take a different approach. In addition, this proposal has a heavier emphasise on conversion and inside seating with less outside seating than was approved in the 2019 application. This change in the proposal would likely have a positive effect in terms of reducing potential impact on the adjacent residences. Conditions can be imposed to restrict use of the outside and covered areas after 9pm Monday-Thursday and on Sunday and not after 10pm on Friday-Saturday and repeats of the other safeguarding conditions that were discussed above and applied on the 2019 permission. As the proposal involves only a limited amount of new build and with no additional openings being formed in the outward facing elevations of the buildings the proposal would not cause any adverse impact to light, privacy or outlook experienced at neighbouring property.

This proposal has also resulted in a letter of objection from an adjacent business, which (it is understood) shall be operating shortly in the attached former factory building in British Lane. The business would be operating as a dance/ photographic studio and would share an internal ground floor wall with the proposal and specifically the proposed customer and employee toilet facilities. The objector claims that the proposal could result in flooding and lead to unpleasant odours and noise that could have an adverse impact to their business.

There would be no reason why normal use of the proposed toilet facilities would pose flood risk, give rise to significant levels of unpleasant odour or have adverse impacts arising from noise particularly where the affected neighbour is also commercial and especially where that commercial use may itself be 'noisy'.

The proposal, therefore, subject to imposition of the conditions discussed above and with no objection from the Council's Environmental Protection Departments, would not have an adverse impact to neighbour's amenity.

Consequently, the development is in accordance with Policy 8 (e) of the JCS and thereby is acceptable in this respect.

#### 4. Impact on highway safety

Policy 8 (b) of the JCS, consistent with chapter 9 of the NPPF, seeks to ensure that development makes safe and pleasant streets and spaces by prioritising the needs of pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety.

The site is in a sustainable location, close to public transport options, parking opportunities and cycle parking equipment. Secure cycle parking for employees would be available within the proposal's storage areas. Currently the proposal does not have any parking provision with none proposed. This arrangement in this location is considered to be satisfactory with no reason to believe that it would prejudice highway safety. There is no requirement to have the applicant carry out a 'parking beat survey' in such a location.

The gates serving the outside space and the storage area shall be conditioned to open inwards. Due to the modest amount of demolition and new build proposed the provision of a condition requiring measures to be taken to avoid debris migrating to the highway is not considered justified especially as the LHA have their own powers to deal with such eventualities.

The development therefore and in the absence of an objection from the Local Highway Authority is considered to maintain highway safety on the surrounding road network consistent with Policy 8(b) of the JCS and therefore is acceptable on this issue.

#### 5. Crime and fire safety implications

Policy 8 (e) of the JCS, amongst other things, seeks development to plan out anti-social behaviour and reduce the fear of crime, consistent with paragraph 127 (f) of the NPPF.

The Police's Crime Prevention Design Advisor essentially wants to avoid direct access to the outside seating areas from the side with patrons gaining access only through the main entrance to the PH other than in the event of emergency. This is so that the number of persons in the PH can be controlled for safety and fire safety purposes. To deal with this matter a condition (4) is attached requiring approval of security measures, which shall seek information regarding the access arrangements.

The side access, up to the site boundary, is greater than 3.7m (4.5m) wide and allows for an emergency vehicle to get within 45m of any building on the site and as such has the necessary arrangements in place to enable services to deal with emergency matters. 45m distance is important as it accords with fire safety provisions.

As such and subject to the imposition of the condition mentioned the proposal is considered to have the necessary arrangements in place to reduce anti-social behaviour, crime, the fear of crime and provide the necessary fire safety measures and therefore is acceptable in this regard.

6. Other matters

Any matters that may arise from unexpected contamination shall be dealt with through the provision of an unexpected contamination condition.

The existing buildings are in a fair state of repair and secure with limited roof space and therefore there is no reason to suppose that the proposal would have an adverse impact to biodiversity.

Any matters associated with the state of shared boundary walls is a civil issue between the applicant and the adjacent landowner and therefore is not a material planning consideration.

**Conclusion**

The proposed development is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. The principle of development is established, there would be no unacceptable detrimental impact on neighbouring amenity and the design is appropriate within the Conservation Area. The application is recommended for approval, subject to conditions.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:



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**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 10/03/2020</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Alan Chapman Development Officer</b>	<b>Application No: KET/2019/0867</b>
<b>Wards Affected</b>	<b>Queen Eleanor and Buccleuch</b>	
<b>Location</b>	<b>20 Corby Road, Little Oakley</b>	
<b>Proposal</b>	<b>Full Application: Replacement gate in existing opening. Proposed store/outbuilding and repointing of all elevations</b>	
<b>Applicant</b>	<b>Mr &amp; Mrs Ravenscroft</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 Method Statement KET/2019/0867/2 received on 27th January 2020.

REASON: To ensure that the works to the Grade II listed building are carried-out to protect the architectural interest and setting of the building in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

3. The hereby approved outbuilding shall be externally finished in oak cladding and corrugated dark grey tin roofing materials in accordance with Drawing Number: 1907-02, received 9th December 2019.

REASON: To protect the character and appearance of the Little Oakley Conservation Area in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

4.

The hereby approved outbuilding (as shown on Drawing Number: 1907-02, received 9th December 2019) shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such.

REASON: In the interests of protecting residential amenities from unreasonable noise levels in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.



## **Officers Report for KET/2019/0867**

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

### **3.0 Information**

#### **Relevant Planning History**

Since 2007:

KET/2019/0868, (Listed Building Consent), PENDING, Internal alterations - kitchen and bathroom. Replacement gate in existing opening. Proposed store and outbuilding and repointing of all elevations

#### **Site Visit**

Officer's site inspection was carried out on 27/01/2020

#### **Site Description**

The application site is located on the south side of Corby Road and towards the eastern extremity of the village. The dwellinghouse is a Grade II listed building, and it and its curtilage are within the conservation area and settlement boundary of the village. Open countryside lies immediately to the west and south of the site and small stream runs along the property's western boundary and discharges into Harpers Brook to the south. Being within the flood plain then ground levels are flat across the site. A public footpath (PROW, ID:GT016) runs north to south approximately 47m away to the east of the outbuildings on-site.

The main building on-site is a semi-detached stone-built dwellinghouse with a two-storey pantile section and a single storey thatched roof section that follows, at an angle, the kink in the road. The two-storey section joins the neighbouring property (No.21) over an alleyway between both properties at ground floor level. The house is orientated with the entrances on the rear elevation with off road gravel parking to the side (west) and a predominantly grass garden beyond to the south. There is a low-level fencing around the site to denote the boundary. The site currently consists of the main dwelling, a shed and three storage buildings, one of which, built in stone was used as the WC for the house. The later storage buildings and shed date from the 20th century and are in poor condition.

#### **Proposed Development**

A Listed Building Consent application (KET/2019/0868) accompanies this planning application.

Full planning permission is being sought for:

- Removal of an existing timber outbuilding and lean-to style outbuilding, and the erection of a single storey timber framed outbuilding with a corrugated metal roof
- Replacing the existing gate posts and picket style gate with new timber posts and a 5-bar timber gate
- Insertion of single pan-tile vent in the tiled front roof slope of the two-storey part of the dwellinghouse
- Re-pointing of the stonework on the dwellinghouse's front, side and rear elevations

Due to objections at the beginning of the application process the height of the proposed outbuilding was reduced in height from 4.1m to 3.5m. Furthermore, the Agent supplied additional information on the intended use of the 'workshop' (now re-labelled as a 'store and outbuilding') as primarily a store and only occasional maintenance to equipment and not as a commercial workshop as their business relates to property maintenance where works are carried out at the client's place and not at No.20.

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

Listed Building (Setting of)

Flood Plain

C Road

Nene Valley NIA Boundary

HVI open spaces

Within Conservation Area

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

##### **Geddington, Newton & Little Oakley Parish Council:**

First response – 15<sup>th</sup> Jan 2020:

- Objection for following reasons:
  - New workshop be limited to the height of existing shed
  - Size of workshop will impact on light received at neighbouring property (No.21)
  - Size & height of workshop will be visible from the road
  - Noise coming from workshop

Second response – 13<sup>th</sup> Feb 2020:

- Support with following comments:
  - Height of proposed outbuilding has been reduced but should still be no higher than the timber sheds it will replace

##### **Neighbours:**

Objection from Barn Owl Cottage, No.21 Corby Road. Reasons cited:

- Impact height of outbuilding will have on our views and light
- Noise from outbuilding/workshop
- Impact upon the village and countryside
- We SUPPORT proposed internal changes to the dwellinghouse

Support from Mayfield, No.4 Main Street. Comments made:

- We have views direct onto the outbuildings and the proposed outbuilding proved a more pleasant view
- Proposed outbuilding would be more in-keeping with area
- Proposed outbuilding would enhance security and minimise possible intruders
- This is a common-sense proposal

## **5.0 Planning Policy**

### **Legislation**

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

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

Policy 1: Introduction

Policy 2: Achieving sustainable development

Policy 4: Decision-making

Policy 11: Making effective use of land

Policy 12: Achieving well-designed places

Policy 14: Meeting the challenge of climate change, flooding and coastal change

Policy 15: Conserving and enhancing the natural environment

Policy 16: Conserving and enhancing the historic environment

### **Development Plan Policies**

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

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Historic Environment

Policy 3: Landscape Character

Policy 4: Biodiversity and Geodiversity

Policy 5: Water Environment, Resources & Flood Risk

Policy 6: Development on Brownfield Land and Land affected by contamination

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 20: The Nene and Ise Valleys

#### **Local Plan**

RA4. Rural Area: Restraint and Scattered Villages

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

Site Specific Part 2 Local Plan

#### **Little Oakley Conservation Area Appraisal**

## **6.0 Financial/Resource Implications**

None

## **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

## **8.0 Planning Considerations**

The key issues for consideration in this application are: -

1. Principle of Development
2. Impact on Heritage Assets, Character and Appearance
3. Impact on Residential Amenity
4. Nene Valley Nature Improvement Area

### 1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan, unless material planning considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this.

Policy 11 of the JCS and saved Policy RA4 of the Local Plan are generally supportive of small-scale residential development that is contained within the defined settlement boundary.

The proposed development is small-scale and would be contained within the settlement boundary of Little Oakley which is defined as a Restraint Village under Policy RA4.

The general principle of development is therefore acceptable and the more specific Development Plan policies are discussed below.

## 2. Impact on Heritage Assets, Character and Appearance

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on LPAs to have special regard to the desirability of preserving listed buildings and their settings and any features of special architectural or historic interest they may possess.

The proposal shall be considered against Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (In the exercise, with respect to any buildings or other land in a conservation area) to pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy 2 of the Joint Core Strategy (JCS) reflects these duties and requires that development must protect and, where appropriate enhance, the heritage asset and its setting.

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

Policy 16 of the NPPF requires new development to sustain and enhance the significance of heritage assets, requiring any harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

The whole site is within the Little Oakley Conservation Area and Nos. 20 and 21 Corby Road, including the barn range attached to the east, are Grade II listed and the listing entry (List Entry Number: 1192090) on Historic England's website reads as follows:

*“NEWTON SP8885 LITTLE OAKLEY 1337-0/11/187 Nos.20 AND 21 including barn range attached to E II 2 cottages and barn range. Probably C18. Coursed limestone rubble with thatched and pantile roofs, brick end stacks to cottage block. Cottage block, 2 storeys, 2-window range, has central entrance passage with gate (entrance doors to rear). Small, single-light windows with wooden lintels. Low L-plan barn range to left, and low canted addition to right with single- light opening, matched. Interiors not inspected.”*

The exterior works to the residential property consists of the re-pointing of the existing elevations using a 3.5/1 mix of sharp sand and NHL3.5 natural hydraulic lime mortar as in the recent past, patch work repair to the mortar has been carried

out using the wrong mortar mix, possibly a cement mortar and is visually incongruous and may lead to the original stone being damaged over time. There are also areas where the existing mortar has flaked out leaving larger gaps between the stone, again, if left could cause damage to the property.

The following Method Statement was submitted to explain how the repointing works would be undertaken:

*“Tools used will be:*

*Various sized plugging chisels, hammer, hacksaw blade, churn brush to finish joints, correct sized pointing, trowels & jointing tools.*

*Methods used will include the following:*

*Carefully rake out defective mortar manually from the top and bottom of the joints with hammer and plugging chisel. Remove dust and debris from the joint with brushes. Thoroughly dampen the masonry before replacing the mortar to improve adhesion of the mortar and to prevent it from drying out too quickly. (Once the repointing works have started, the area will be protected from the elements ie: heavy rain, extreme hot or cold temperatures. Repointing works will be carried out in the spring, late summer or autumn to avoid strong sun light, wind & heavy rain.). Apply regular mist sprayings to maintain damp conditions as the mortar sets to avoid it drying out too quickly. The correct sized pointing trowels will be used and jointing tools to limit the risk of smearing mortar onto the surface of the stonework/masonry. Once the mortar is sufficiently set, a bristle churn brush will be used to finish the joint with a firm, pushing action to give a natural weathered appearance. PPE such as face masks and gloves will be worn when working with lime. The method described has taken reference from the Historic England: guidelines for best practice.”*

On the front roof slope of the two-storey part of the dwelling house a new vented slim-line roof pantile is to be installed replacing an existing pantile. It is to be of matching colour.

The proposed outbuilding would have a low profile pitched roof finished in corrugated dark grey tin and its walls are to be oak clad.

It is opined that subject to conditions requiring works to be carried out in accordance with the Method Statement and the outbuilding is constructed in accordance with the details depicted on the submitted plans, then there is public benefit to the proposal as it would improve and enhance the appearance of the listed building as well as improving the character and appearance of the conservation area as the building would be re-pointed in a more sympathetic manner that would aid its long term survival. Furthermore, the open and rural setting of the site with open countryside and historically



visually important local green space partly surrounding the site would be safeguarded and the setting improved by the replacement of the dilapidated outbuildings with the proposed good quality tin roofed and oak clad structure that has an agricultural feel to it.

The small scale of the proposed outbuilding compared to its setting within a wide and open landscape is opined to be appropriate and well positioned so as not to be prominent nor distracting, particularly when compared to the vastly larger and more modern and slightly unkempt agricultural barn buildings due west of the site.

This proposal would also entail the replacement of the picket fence style gates with timber 5-bar gates. These changes are considered to be an enhancement to the conservation area as they present a more traditional agricultural style that is commonplace in a rural area such as this.

Subject to the imposition of conditions to ensure works are carried-out in accordance with the Method Statement and the materials used accord with that shown on the approved plans then the proposal is not in conflict with the above policies.

### 3. Impact on Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties and future occupiers, such as by reason of loss of light, overlooking, light or other pollution.

Both the Parish Council and the neighbour at Barn Owl Cottage raised concerns about noise, loss of light and visual amenity impacts associated with the scale and design of the outbuilding and its intended use.

Turning to the issue of noise first, comments were raised that a 'workshop' would give rise to noise that would impact upon the neighbours. Clarification on this matter was sought from the Agent whom replied (summarised at the bequest of the Applicant):

*"The workshop building is needed to store work items and domestic items over the winter months. We run a property maintenance business and we carry out ground maintenance at various sites for local property management companies. The only time the workshop is in use is for maintenance and repair of work items. We don't run our business at home or carry out business activities at home."*

Accordingly, the Applicant has demonstrated that the proposed outbuilding would for all intents and purposes be in use for normal domestic arrangements and would not be used as a commercial workshop with operational machinery and so it is opined that there would not be any abnormal noise that would cause unnecessary disturbance to the neighbours.

Concerns were raised by the next-door neighbour that the proposed outbuilding would harm their visual amenities and block light to their property. It is noted that the next-door neighbour currently enjoys a substantial detached garage with a room above at the rear of their property that has a maximum height well in excess of the proposed outbuilding. The proposed outbuilding would be located some 25m away from the neighbour's western elevation with an intervening established hedge along the property boundary.

The combined area of the shed and lean-to to be removed is approximately 13.6sqm and the maximum height of the shed is 2.9m. The proposed outbuilding would have an area of 25.5sqm and a maximum height of 3.5m. Whilst the proposed outbuilding would be an increase in massing and height from what is currently visible on-site, due to distance (at least 25m) it would be located away from the neighbour and the modest height (3.5m) of it, it is opined that there would be no discernible loss of light into the neighbour's home or garden. Notionally, residents do not have a defined right to a view across open countryside. The proposed outbuilding would be located on the furthest boundary of the Applicant's property. Whilst the proposal would introduce some loss of direct views from the neighbour's property, across the Applicant's land and into the open countryside beyond, it is considered that neighbours would still enjoy a pleasant outlook. The outbuilding would be finished in oak cladding with a corrugated dark grey tin roof, mainly to blend into its heritage setting and to create an appealing structure that would be appropriate for the conservation area and would also be reflective of the neighbour's oak clad detached one-and-a-half-storey garage.

For the reasons given the proposal would accord with JCS Policy 8 (e) subject to a condition restricting the use of the outbuilding for a purpose incidental to the enjoyment of the dwellinghouse.

#### 4. 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 have no any adverse impact on existing wildlife or the improvement of the Nene Valley.

#### Conclusion

Subject to the imposition of conditions as discussed above, the proposal would accord with Development Plan policies and the grant of planning permission is recommended.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alan Chapman, Development Officer on 01536 534316

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

Ref:

Date:





**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 10/03/2020</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Alan Chapman Development Officer</b>	<b>Application No: KET/2019/0868</b>
<b>Wards Affected</b>	<b>Queen Eleanor and Buccleuch</b>	
<b>Location</b>	<b>20 Corby Road, Little Oakley</b>	
<b>Proposal</b>	<b>Application for Listed Building Consent: Internal alterations - kitchen and bathroom. Replacement gate in existing opening. Proposed store/outbuilding and repointing of all elevations</b>	
<b>Applicant</b>	<b>Mr &amp; Mrs Ravenscroft</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 works to which this consent relate shall be begun before the expiration of 3 years from the date of this consent.

REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and to prevent an accumulation of unimplemented consents.

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

a) Proposed Plans, Sections & Elevations (Drawing Number 1907-02 Rev B; received 29th January 2020)

b) Method Statement (Reference Number KET/2019/0868/2; received 27th January 2020).

REASON: To protect the historic interest of the building and in the interest of securing an appropriate form of development in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

## Officers Report for KET/2019/0868

This application is reported for Committee decision because there are unresolved, material objections to the accompanying full planning permission application proposal KET/2019/0867.

### 3.0 Information

#### Relevant Planning History

Since 2007:

KET/2019/0867, (Full Planning), PENDING, Replacement gate in existing opening. Proposed store/outbuilding and repointing of all elevations

#### Site Visit

Officer's site inspection was carried out on 27/01/2020

#### Site Description

The application site is located on the south side of Corby Road and towards the eastern extremity of the village. The dwellinghouse is a Grade II listed building, and it and its curtilage are within the conservation area and settlement boundary of the village. Open countryside lies immediately to the west and south of the site and small stream runs along the property's western boundary and discharges into Harpers Brook to the south. Being within the flood plain then ground levels are flat across the site. A public footpath (PROW, ID:GT016) runs north to south approximately 47m away to the east of the outbuildings on-site.

The main building on-site is a semi-detached stone-built dwellinghouse with a two-storey pantile section and a single storey thatched roof section that follows, at an angle, the kink in the road. The two-storey section joins the neighbouring property (No.21) over an alleyway between both properties at ground floor level. The house is orientated with the entrances on the rear elevation with off road gravel parking to the side (west) and a predominantly grass garden beyond to the south. There is a low-level fencing around the site to denote the boundary. The site currently consists of the main dwelling, a shed and three storage buildings, one of which, built in stone was used as the WC for the house. The later storage buildings and shed date from the 20th century and are in poor condition.

The whole site is within the Little Oakley Conservation Area and Nos. 20 and 21 Corby Road, including the barn range attached to the east, are Grade II listed and the listing entry (List Entry Number: 1192090) on Historic England's website reads as follows:

*NEWTON SP8885 LITTLE OAKLEY 1337-0/11/187 Nos.20 AND 21 including barn range attached to E II 2 cottages and barn range. Probably C18. Coursed limestone rubble with thatched and pantile roofs, brick end stacks to cottage*

*block. Cottage block, 2 storeys, 2-window range, has central entrance passage with gate (entrance doors to rear). Small, single-light windows with wooden lintels. Low L-plan barn range to left, and low canted addition to right with single- light opening, matched. Interiors not inspected.*

### **Proposed Works**

A Full planning permission application (KET/2019/0867) accompanies this listed building consent application.

Listed Building Consent is being sought for:

- Internal improvements and alterations comprising of removal and re-positioning of internal walls on ground-floor; removal and re-positioning of internal walls on first-floor; replacement of internal window in first-floor; removing old kitchen and bathroom fittings and replacing with new
- Removal of an existing timber outbuilding and lean-to style outbuilding, and the erection of a single storey timber framed outbuilding with a corrugated metal roof
- Replacing the existing gate posts and picket style gate with new timber posts and a 5-bar timber gate
- Insertion of single pan-tile vent in the tiled front roof slope of the two-storey part of the dwellinghouse
- Re-pointing of the stonework on the dwellinghouse's front, side and rear elevations

Due to objections at the beginning of the application process the height of the proposed outbuilding was reduced in height from 4.1m to 3.5m.

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

Grade II Listed Building (including its Setting)  
Within Conservation Area

## **4.0 Consultation and Customer Impact**

**Please note:** Comments were received from the Parish Council and the occupiers of No.4 Main Street and No.21 Corby Road, Little Oakley. As these are related to material planning considerations then these comments have been addressed under the accompanying planning application KET/2019/0867.

## **5.0 Planning Policy**

### **Legislation**

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

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

Policy 16: Conserving and enhancing the historic environment

## **Development Plan Policies**

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

#### Policy 2: Historic Environment

The above policies seek to sustain and enhance the significance of such assets.

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

None

#### **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

#### **8.0 Planning Considerations**

The key issue for consideration in this application is the impact on the significance of the listed building.

The proposal shall be considered against Sections 16 & 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.

As part of the planning application, the proposal was considered against Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (In the exercise, with respect to any buildings or other land in a conservation area) to pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Consistent with paragraph 189 of the NPPF the application was accompanied by a 'Heritage Impact Assessment' that discusses the impacts of the proposal and discusses the significance of the assets.

The submitted 'Heritage Impact Assessment' says:

"The proposal consists of four elements as follows:

#### 1. Internal Alterations

It is proposed to carry out works internally in two areas of the house. The first is to the existing Kitchen and Dining Room and the second to the Bathroom.

The current Kitchen and Dining Room, as it is configured today, was formed in the 20th century using blockwork walls and gypsum plaster to provide separation between the spaces. Dry lining of the existing external walls on the south elevation was also carried out in the 20th century to allow for the central heating system pipework to be concealed, this can also be found above one of the dividing blockwork walls in the Dining Room side. The existing Dining Room has a fireplace and a brick pier, both supporting an oak beam and a mezzanine Bathroom above on the north side only. The south side is open to the slope of the roof.

The history of the cottage and its previous uses are not fully known but it is believed that the it was originally a longhouse in connection with Cobley Farm a few miles to the east. It is believed that the single storey section was constructed first and that the brick pier, fireplace and mezzanine were later additions and therefore this area was one open plan space.

It is proposed to remove these modern dividing block work walls and construct a new stud work wall in a new location to form a Utility/WC and a glazed wall is proposed to form an entrance/cloak area whilst giving the rest of the space a sense of openness.

The brick pier, fireplace, oak beam and mezzanine will all be retained as well as the lower level blocked up window to retain all the character of the internal space. The existing internal door between the two spaces will be

retained and reused as it is believed that this was taken from elsewhere in the house when the walls were constructed due to the age of the door itself.

The current Kitchen and Dining Room have a modern tiled floor, these will be removed but the floor structure will not be altered and a new floor finish laid over the sub floor.

The justification for these works is it is felt that the current spaces are not adequate in showcasing the quirky and amazing features that the cottage offers and that the space is not being used to its full potential. The dividing walls create two small spaces with a Kitchen that has no soul or character to it at all. By carrying out the works every feature that makes the cottage special will be made a focal point by changing the way the spaces are orientated and used by the applicant. Features will no longer be tucked away in corners. The proposed works also make the space much more functional and therefore extending the longevity of the use as a Cottage.

The second area of alterations internally is the Bathroom at first floor. Currently located in just the mezzanine area above the Dining Room with an internal window looking down into the Dining Room space. The head height in this space is extremely limited due to the slope of the roof and not being fully useable compared with modern standard. Whilst this adds to the quirk of the building and it is accepted that to live in a building of this age some compromises are required, it is quite unusable as the shower is located over the bath and you cannot physically stand up straight to wash. It is therefore proposed to form a new area using the Landing and a small section of the second bedroom to enlarge the Bathroom. The current dividing wall between Bedroom 2 and the Landing is a modern stud wall, again with gypsum plasterboard and it is proposed to remove part of this wall to square off the entrance lobby to the current Bathroom and move the door to the Bathroom much closer to the staircase forming a sufficient space to accommodate a shower and a wash hand basin whilst not affecting the Landing space or Bedroom 2 to any great detriment. A new extractor fan is proposed over the shower in addition to the existing one to help draw damp air out of the building more effectively as the current system is failing and causing damage to the building and creating an unhealthy space to live. A vent is proposed to terminate out of the pantile roof above the shower.

The internal window in the bathroom appears as though it was once an external window reused inside and fixed shut. It is failing, with some of the panes replaced in the past with Perspex and the others looking very precarious in the frame. It is proposed to remove the window unit in its entirety and replace with a critical style metal window in a timber frame to mimic the existing in profile in the same opening to the same size. This window is proposed to be openable, again to help with removing the damp air from the space and encourage natural ventilation through the external window in the Kitchen.

All new walls proposed will be constructed from stud work so that they are fully reversible.

The accommodation and atmosphere that this proposal will create will have a hugely positive impact upon the applicants' daily life and health and is felt outweighs any negative effect caused. It will also help to ensure that the condition of the building is kept in good repair and not left to slowly rot as it is at present.

## 2. Replacement gate to existing opening

The existing opening currently has 150 x 150mm timber gate posts with gates to match the picket style fence.

It is proposed to retain the existing gate posts and replace the gate with a pre-treated softwood 5-bar gate between in the existing opening.

The insertion of the gates will not affect the listed building as the proposed gate will be secured to the existing gate posts. The existing picket fence which abuts the stone wall will not be altered. This element is wholly reversible in the future. The height of the new gates will be lower than the gate posts.

The justification for these works is that the existing gate is failing structurally and to increase the security of the house and the safety of the public footpath and road having all vehicles parked on site and not on the public footpath or road. The applicant runs a maintenance company and stores a work vehicle on site.

There will be no change to the way vehicles enter and existing the site. The gates will cause no changes to the visibility when pulling onto the road to what stands at present. Pedestrians walking along the public footpath will be able to see and hear cars pulling out of the driveway in plenty of time.

## 3. Proposed Outbuildings

The application seeks to demolish the existing shed and the modern storage buildings, leaving the older stone storage building in situ and to construct a new storage/ workshop outbuilding on a similar footprint. The proposed structures for demolition do not add anything to the character of the area or its surroundings as these are constructed of timber, brick and metal sheet cladding and roof.

The purpose of the storage/workshop is to aid with the applicants' maintenance business for safe storage of equipment, rather than in the work van at present, and a space to carry out maintenance and repairs on work equipment.

The scale of the proposed workshop is completely subservient to the existing dwelling and the site. With a ridge height of 3.5m and a footprint like that of

the accumulated footprint of the buildings to be demolished. It is not envisaged that the structures will have any over-bearing impact on the listed building nor the surrounding properties as it is at such a distance from these.

Visibility of the workshop can be seen from the street scene and follows the same pattern of development of outbuildings set back from the main dwellings found throughout the village. The style and materials of the workshop are in keeping with others found in the village and the neighbouring property, with horizontal oak cladding, left to go silver, a corrugated dark grey roof, oak verge and fascia boards and black upvc guttering. The doors will be oak clad also and will blend into the elevation. To the rear, the south elevation, a small veranda will be formed by setting the external south wall in by 1.2m, keeping the east and the west walls extended to mask the veranda from the street scene retaining a fully agricultural aesthetic from the village perspective. This will improve the appearance of the site from the street scene and the setting of the listed building.

The workshop is to be built onto a concrete base using timber frame construction which makes the entire structure completely reversible should this be required in the future.

#### 4. Repointing of the stonework on the Front (North,) Side (West) and Rear (South) Elevations

The application seeks to repoint the existing elevations using a 3.5/1 mix of sharp sand and NHL3.5 natural hydraulic lime mortar. A sample panel will be provided for inspection if required prior to the commencement of the works.

Justification for the work include in the recent past, patch work repair to the mortar has been carried out using the wrong mortar mix, possibly a cement mortar and is visually incongruous and may lead to the original stone being damaged over time. There are also areas where the existing mortar has flaked out leaving larger gaps between the stone, again, if left could cause damage to the property.”

In addition to the above the Agent supplied a Method Statement to describe how these works are to be undertaken as follows:

##### “Method Statement

All the proposed works carried out will be done in such a way as to protect the fabric of the building and will be respectful and careful at all times during the works to limit the risk of any damage.

Tools used will be:

Various sized plugging chisels, hammer, hacksaw blade, churn brush to finish joints, correct sized pointing trowels & jointing tools.

Methods used will include the following:

Carefully rake out defective mortar manually from the top and bottom of the joints with hammer and plugging chisel.

Remove dust and debris from the joint with brushes.

Thoroughly dampen the masonry before replacing the mortar to improve adhesion of the mortar and to prevent it from drying out too quickly.

(Once the repointing works have started, the area will be protected from the elements i.e.: heavy rain, extreme hot or cold temperatures. Repointing works will be carried out in the spring, late summer or autumn to avoid strong sun light, wind & heavy rain.)

Apply regular mist sprayings to maintain damp conditions as the mortar sets to avoid it drying out too quickly.

The correct sized pointing trowels will be used and jointing tools to limit the risk of smearing mortar onto the surface of the stonework/masonry. Once the mortar is sufficiently set, a bristle churn brush will be used to finish the joint with a firm, pushing action to give a natural weathered appearance.

PPE such as face masks and gloves will be worn when working with lime.

The method described has taken reference from the Historic England: guidelines for best practice for repointing brick and stone walls. Practical building conservation: mortars, renders and plasters.

When installing the vented roof tile, an existing pantile will be removed and set aside and replaced with a single vented pantile with pipe adaptor matching colour to existing tiles. of vented roof tile:

Proposed vented roof tile details:

- Single Profile-Line Tile Vent (384mm long x 229mm wide)
- Polypropylene
- Colour to match existing pantiles

The kitchen walls to be removed are not load bearing. The kitchen cupboards will be removed first and the skirting boards removed and set aside to recycle. All wall tiles will be removed, electric supply isolated to plug socket and disconnect cable in ceiling space running to the plug socket and cap off. Gypsum plaster board and block work will be removed and disposed of. All debris and spoil will be taken to the local recycle centre. Once the wall has been removed, the ceiling will be made good with gypsum plaster board to match existing.

The existing floor will be made good and the area will be re-plastered. The upstairs bathroom works is to remove an existing partition wall in the Hall to extend the size of the Bathroom to create head height for a shower. The skirting boards will be removed and set aside to re-use later, as will the existing door and architrave. The electric supply to light switch and plug socket will be isolated and the light switch and socket relocated to suit the new layout. The heating system will be drained and the radiator removed and pipe work capped off. The radiator will be relocated to suit the new layout. The existing gypsum plaster board will be cut out with a pad saw and sheets of plaster removed along with the stud work and any re-useable wood

will be set aside re-used elsewhere. New stud work to be constructed to suit new layout walls, with skirting boards and architrave. Door to be reinstated on new wall and opening for bathroom.”

The above statements generally (though not in every comment) accord with Officer assessment of the impact of the physical alterations on the significance of the listed building. Conditions shall be attached requiring the works to be carried out in accordance with the details as submitted in order to safeguard the significance of the buildings’ fabric.

Consequently, the proposal complies with Policy 2 of the JCS and is consistent with NPPF guidance and the Act and therefore is acceptable in this regard.

### **Conclusion**

For the reasons given above the proposal is acceptable in terms of its impact on the character, setting and fabric of the listed building. Accordingly, it is recommended that Listed Building Consent be granted subject to conditions.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alan Chapman, Development Officer on 01536 534316

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

Ref:

Date:



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**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 10/03/2020</b>	<b>Item No: 5.8</b>
<b>Report Originator</b>	<b>Louisa Johnson Development Officer</b>	<b>Application No: KET/2019/0898</b>
<b>Wards Affected</b>	<b>Ise Lodge</b>	
<b>Location</b>	<b>84 Warkton Lane, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Replacement dwelling</b>	
<b>Applicant</b>	<b>Mrs A Shukla</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. 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 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.

4. 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 first floor North and South elevations or roof planes 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.

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.

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

6. Prior to the commencement of development including demolition, a Demolition and Construction Management Plan which shall include details of suitable access and egress from the site for construction vehicles and measures to minimise dust from the works 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. REASON: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

7. The parking area hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure adequate on-site parking provision for the approved building and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The development hereby permitted shall not be occupied until visibility splays of 2 metres by 2 metres have been provided at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level. REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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.

10. The dwelling hereby permitted shall not be occupied until details of hard and soft landscaping to the front of building has been submitted and approved in writing by the Local Planning Authority. The approved landscaping shall be maintained as approved thereafter.

REASON: Details of materials are necessary prior to the commencement of development in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. No development other than demolition shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels 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: Finished floor levels are necessary prior to commencement to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. 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 and E of Part 1 of Schedule 2 of the Order shall be erected or constructed on the application site.

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/2019/0898**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2017/0981 – Replacement Dwelling – Withdrawn 26/02/2018

KET/2018/0286 - Replacement dwelling – Approved at Planning Committee 12/06/2018

KET/2018/0749 – Replacement dwelling – Approved 30/11/2018

#### **Site Visit**

Officer's site inspection was carried out on 20<sup>th</sup> February 2020.

#### **Site Description**

The site is a double plot located on Warkton Lane, the site currently contains a large two storey detached dwelling with associated outbuildings.

Warkton Lane is characterised by large detached properties varying in style and set back from the road.

#### **Proposed Development**

The proposal is to demolish the existing dwelling and erect a new two storey detached dwelling with attached swimming pool.

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

C Road

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

#### **Neighbours**

One letter of objection has been received, the following issues were raised:

- Right to light – occupants of no. 80 have a right to light and this further supported by the fact that the northern aspect of no. 80 has two windows that overlook the site. These are a ground floor kitchen window and a first floor bathroom window. The development threatens to deny the right to light to these windows.
- The proposal would be 1.9m from the boundary with no. 80 falling from 6m previously proposed.
- The south elevation is bricked wall to the first floor with a central 4 shaped window, this would result in a wall immediately outside both windows and would affect the privacy of the bathroom.
- The development would impact views from windows within the side elevation of no. 80.

- The development is substantial in size and would dwarf no. 80 with a 12m high roof. Therefore the development would cast a long shadow over no. 80.
- The development is not in keeping with the character of the area and would destroy the look and character of the area which is made up of larger plots with homes set back from the road and each other.
- The scale of the development is not in keeping with the character of the road and would result in the loss of spacing between no. 80 and the development.
- The proposed blue slate roof is not in keeping with the character of the area.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 12: Achieving well designed places

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy July 2016**

Policy 1: Presumption in favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 11: The Network of Urban and Rural Areas

Policy 22: Delivering Economic Prosperity

Policy 28: Housing Requirements

Policy 29: Distribution of New Homes

Policy 30: Housing Mix and Tenure

#### **Saved Local Plan Policies**

Policy 35: Housing – Within Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.

The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

## **8.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on the character and appearance of the area
3. Amenity of future occupiers
4. Residential amenity
5. Access and Parking

### 1. Principle of Development

The principle of the proposal has been established by the 2018 permissions. The permissions are extant.

As such and given that the policy framework and site circumstances have not notably changed from the time when the original permission was granted there is no justification to take a different approach here. As such the principle of the proposal is considered to be acceptable.

### 2. Impact on the character and appearance of the area

The site is located on Warkton Lane, in a predominately residential area in Kettering which is characterised by large detached properties set back from the road with a variety of styles.

The existing dwelling on the plot measures approximately 17.6m wide, 18m deep and 7.1m in height with a pitched roof.

The proposed dwelling would measure approximately 23m wide, 24m deep and 12m in height with a pitched roof. This is approximately 1m deeper than the approved scheme under KET/2018/0749 and a 'L' shaped swimming pool has been added to the northern side elevation and rear elevation. The swimming pool does not extend beyond the side and rear elevations of the main house.

The existing dwelling is located right on the northern boundary of the site, while the proposed dwelling is more centralised on the plot. The proposed dwelling would be set back approximately 15m from the road and is in line with the existing building line; the dwelling would be set approximately 7m from 80 Warkton Lane and 10m from 86 Warkton Lane.

The proposal includes a number of changes to the approved scheme under KET/2018/0749. These include an increase in depth by 1m, adding a 'L' shaped swimming pool, removing the triangular roof lights, removing the chimney, changes to size and number of windows and changes to the proposed materials.

An objection has been received on the grounds that the proposal is not in keeping with the character of the area and would destroy the look and character of the area which is made up of larger plots with homes set back from the road and would result in the loss of spacing between properties. Concerns were also raised regarding the proposed blue slate roof being out of keeping with the character of the area.

Whilst it is acknowledged that the proposed dwelling is substantially larger than the existing dwelling on the plot and other adjacent properties, it is considered that the plot, which is effectively a double width plot, is large enough to accommodate a dwelling of this size. Furthermore, there is a variety of sizes of dwellings on Warkton Lane with a number of large properties on this part of the road. The proposal does retain spacing between the development and neighbouring properties and whilst this is less than the existing arrangement, this spacing is still substantial. It is considered that a condition removing permitted development rights would be appropriate to ensure that this spacing is maintained and to prevent further encroachment. There is also a variety of materials within the road and it is considered that the proposed slate roof, whilst different to the immediate neighbours, is not unduly harmful given the range of materials within Warkton Lane.

It is considered that the proposed dwelling would be in keeping with the pattern of development and would not be detrimental to the character of the area in accordance with the relevant parts of Policy 7 (NPPF) and Policy 8 (NNJCS).

### 3. 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.

The proposed dwelling provides a total floorspace of approximately 756sqm with six bedrooms, all of which meet the standard for a double room; therefore the proposed dwelling complies with the requirements of the Technical Housing Standards – nationally described space standards, March 2015.

The proposal would provide an amenity space of at least 914sqm; this is larger than the footprint of the proposed dwelling. Therefore it is considered that it would be sufficient for a house of this size.

The proposal would be acceptable in terms of the amenity of future occupiers and in accordance with policy 8 e(i) of the NNJCS.

#### 4. Residential amenity

Policy 8 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.

The site shares a side boundary with 80 Warkton Lane to the south; the proposed dwelling would be approximately 7m from the boundary with no. 80. The proposal also includes a patio area to the side adjacent to no. 80 which would be approximately 2.5m from the boundary.

An objection has been received on the grounds that the proposal would be 1.9m from the boundary with no. 80 with a wall immediately adjacent to windows in the side elevation of no. 80 affecting views from these windows and the privacy of the bathroom. Concerns were also raised on the grounds that the proposal would dwarf no. 80 and would cast a long shadow over no. 80 and that the development would affect the right to light of occupants of no. 80.

The proposed two storey dwelling would be approximately 7m from the boundary with no. 80, not 1.9m as stated in the objection, this is the same as the most recent extant permission KET/2018/0749. Whilst it is a large property it is considered that this distance is sufficient to prevent the proposal being overbearing given its height. Furthermore, it is considered that this distance is sufficient to prevent the proposal affecting the outlook or privacy of windows in the side elevation of no. 80 and private views are not protected.

The first floor of the side elevation facing no. 80 would not contain any windows and a condition could be attached to the permission preventing the insertion of windows in this elevation.

Whilst it is acknowledged that windows in the rear elevation of the proposal dwelling would overlook parts of the rear garden of no. 80, given the depth of the proposed dwelling they would not look over the parts of the garden closest to the house at no. 80. In addition, it is considered that this relationship is a normal side to side relationship and is not any worse than the relationship between no. 80 and 78 Warkton Lane (the property on the other side of no. 80) or that found elsewhere within established residential areas.

The proposal includes a patio utility area adjacent to the side boundary with no. 80, the applicant has stated that this area is intended for the storage of bins. Whilst it is acknowledged that this area may be used for sitting out and parties, it is considered that residential properties often have patio or sitting out areas close to the boundary and these types of activities are considered to be normal activities for a residential property.

The site is north of no. 80 and given this it is considered the proposal is unlikely to cast significant shadow over no. 80.



It is considered that given the size of the development it would be appropriate to attach conditions securing working hours and requiring measures to be taken to minimise dust from the site. These conditions should help to minimise the disturbance from construction, however disturbance from construction is not a reason in of itself to refuse planning permission.

An objection was also raised on the grounds that the proposal would affect the Right to Light of no. 80. However right to light is a matter dealt with under separate legislation and is not a planning matter, therefore this has not been considered further here.

Therefore it is considered that the proposal would not have an unduly detrimental impact on 80 Warkton Lane, subject to conditions regarding windows in the side elevations, hours of working and dust control being attached to the permission.

The site shares a side boundary with 86 Warkton Lane, the proposed dwelling would be approximately 10m from the boundary with no. 86, further away than the extant permission KET/2018/0749 which is approximately 9m. A 'L' shaped swimming pool has been added on the elevation nearest no. 86, however this element would be single storey and would not be closer to the boundary with no. 86.

There would only be small block windows for light in the first floor side elevation facing no. 86, it is recommended that a condition preventing the insertion of windows at first floor level in this elevation is attached to protect the amenity of occupants of no. 86.

Given the above it is considered that the proposal would improve the relationship with no. 86 by moving the house further away from the boundary. Therefore it is considered that the proposal would not have an unduly detrimental impact on 86 Warkton Lane.

The site backs onto 37, 39 and 41 Ridgeway; however the proposed dwelling would be at least 16m away from the boundary with these properties. Therefore it is considered that the proposal would not have a detrimental impact on 37, 39 and 41 Ridgeway.

Therefore it is considered that there will be no unacceptable impact on the amenity of neighbouring residents through this proposal subject to conditions preventing the insertion of windows in the first floor side elevations, controlling hours of working during construction and measures to minimise dust in accordance with policy 8 of the NNJCS.

#### 5. Access and Parking

The access for the site will remain in the same location as existing and the site would provide parking for in excess of 6 cars. Therefore it is considered that the proposal meets the relevant Highways requirements, subject to appropriate conditions securing the pedestrian visibility splays and parking area. The proposal is acceptable in terms of the access and parking in accordance with policy 8 of the NNJCS.

**Comments on other points raised by proposal**

None

**Conclusion**

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area and residential amenity. Subject to conditions the proposed development is acceptable and recommended for approval.

**Background Papers**

Title of Document:

Date:

Contact Officer:

**Previous Reports/Minutes**

Ref:

Date:

Louisa Johnson, Development Officer on 01536 534316



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