

PLANNING COMMITTEE

Tuesday 17th November 2020 at 6.00pm
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A G E N D A

1. Election of Chair
2. Apologies
3. Declarations of Interest
 - (a) Personal
 - (b) Prejudicial
4. Minutes of the meetings held on 6th October 2020 to be approved as a correct record and signed by the Chair
5. Any items of business the Chair considers to be urgent
5. Planning Application Reports

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held: 6th October 2020

Present: Councillor Ash Davies (Chair)
Councillors Linda Adams, Scott Edwards, Clark Mitchell,
Cliff Moreton, Jan O'Hara, Mark Rowley, Lesley Thurland
and Greg Titcombe,

20.PC.50 APOLOGIES

Apologies for absence were received from Councillor Shirley Stanton.
It was noted that Councillors Scott Edwards was acting as a substitute.

20.PC.51 MINUTES

RESOLVED that the minutes of the meeting of the Planning
Committee held on 25th August 2020 be approved as a
correct record.

20.PC.52 DECLARATIONS OF INTEREST

None

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

None.

20.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. One speaker 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:-.

20.PC.54.1 KET/2020/0014

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Full Application: Three-storey side and two-storey rear extensions to create 15 one and two bedroom apartments and enlarge existing retail unit at 44 Montagu Street, Kettering for Mr Radek</p> <p>Application No: KET/2020/0014</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought full planning permission for a three-storey side extension and demolition of the rear element to make way for a two-storey extension with rooms in the roof to house a 494sqm ground floor retail unit and 15 one- and two-bedroom apartments to the upper floor. The proposal was to retain and make use of the existing building that fronts Montagu Street.</p> <p>Although members supported bringing existing buildings back into use, and it was accepted that the application met minimum space standards for individual units, concern was expressed regarding the lack of outside amenity space and parking, including disabled parking.</p> <p>Additionally, the Committee felt that, although there was a communal laundry in the proposal, there was no outside space in which to dry laundry which could create an unhealthy environment if residents dried laundry in their apartments.</p> <p>The area already experienced parking problems and residents of the flats could be forced to park in already congested streets due to the lack of parking space within the development.</p> <p>The quality of life for residents was also questioned and it was felt the proposal would result in low quality units with no amenity space when the Council was keen to promote the development of high quality homes for a healthy future.</p> <p>The Interim Head of Development Services explained that the development met national and local planning policy in respect of its location within the town centre. However, members felt that the application represented over-development of the site and was against good standards of living as there was no amenity space or parking.</p>

	It was agreed that the application be REFUSED for the following reasons:-
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1. The proposal would result in overdevelopment of the site by reason of the number of units, internal layout and insufficient amenity space and would constitute an unsatisfactory form of development that offers poor living conditions and amenities for future occupiers and as such is contrary to Policy 8 of the North Northamptonshire Joint Core Strategy and Section 12 of the National Planning Policy Framework
2. The development lacks any parking provision and provides for limited cycle storage which when taken together will not adequately meet the needs of the future occupiers, resulting in detriment to their quality of life and harm to the local area. The proposal is therefore contrary to Policy 8 of the North Northamptonshire Joint Core Strategy and Section 12 National Planning Policy Framework

(Members voted on the amendment to refuse the application)

(Voting: For: Unanimous)

The application was therefore
REFUSED

(Cllr Moreton joined the meeting at 6.40 pm)

20.PC.54.2 KET/2020/0347

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.2 Full Application: Demolition of outbuildings and single storey rear extension. Erection of 1 no. dwelling plus single storey side and two storey rear extensions to no. 24 at 24 Barlows Lane, Wilbarston for Mr S Ash, Perfecta Assets</p> <p>Application No: KET/2020/0347</p> <p><u>Speaker</u>: None</p>	<p>With the Agreement of the Chair of the Planning Committee, this item had been WITHDRAWN from the agenda and deferred to a future meeting of the Planning Committee.</p>

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.3 Full Application: Redevelopment and change of use of hotel to multiple occupancy accommodation to include 46 rooms, gym, lounge areas, coffee bar, meeting/workspace and use Class A3 (Use Class E from 1st September 2020) restaurant with parking, landscaping, and associated works at Naseby Hotel, Sheep Street, Kettering for Mr Oliver, Magic Living Limited</p> <p>Application No: KET/2020/0467</p> <p><u>Speaker:</u></p> <p>Mr Matt Humphries (agent for the applicant) addressed the Committee in support of the application. Planning consent had previously been obtained for 29 flats but this proposal had unfortunately been found to be not economically viable. Mr Humphries explained the concept of co-living schemes, which was currently popular with people aged 21-30 in London and other cities. The proposal retained the building and was felt to be more sustainable. Rooms ranged in size; all had an en suite bathroom and work desks. Spacious communal facilities were located throughout the building. A key element of the proposal was to ensure proper management with a permanent on-site concierge.</p>	<p>Members received a report which sought full planning permission for change of use and redevelopment of the existing building(s) (including some demolition) to provide multiple occupancy accommodation which would include the provision of 46 rooms (including shower room), kitchens, gym, lounge areas, coffee bar, meeting/work-spaces and a restaurant with parking, landscaping and associated works.</p> <p>During debate members felt that the scheme was innovative, but it was located in the wrong area and not suited to a small market town. Parking was felt to be an issue, as only four were available, one of which was a disabled parking space. The only other parking was in the public pay and display car park or short stay parking also used by adjacent businesses. It was felt that the scheme could exacerbate existing parking problems in the Headlands area if residents decided to park in that location, which also suffered from parking congestion due to the proximity of the railway station.</p> <p>Discussion was held on the number of rooms and it was felt there was uncertainty over the number of people that could be accommodated as a maximum occupancy of 90 was quoted, but this excluded staff. Some rooms were very small at only 15 sq m, which it was considered did not give enough personal living space. Additionally, it was felt that storage space for personal items in communal kitchens was inadequate, although it was accepted that this level of detail was not evident from the application. Members also expressed concern regarding privacy for some of the units on the ground floor.</p>

	<p>Following questions about the length and nature of tenancies, it was noted that this information could be included as part of the management plan, attached to a S106 agreement, which would also set out how communal facilities were to be managed. It was also noted that rent was fully inclusive.</p> <p>Members compared the proposal to a HMO, which had similar space requirements and parking standards. It was noted that the Council did not have a policy for this type of property tenure and development on such a large scale.</p> <p>It was agreed that the application be REFUSED for the following reasons:-</p>
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1. The proposal would result in overdevelopment of the site by reason of the number of rooms, internal layout and lack of personal space and would constitute an unsatisfactory form of development that offers poor living conditions and amenities for future occupiers and as such is contrary to Policy 9 of the North Northamptonshire Joint Core Strategy and Section 12 of the National Planning Policy Framework
2. The development makes very limited parking provision that will not adequately meet the needs of the future occupiers, resulting in detriment to their quality of life and harm to the local area. The proposal is therefore contrary to Policy 8 of the North Northamptonshire Joint Core Strategy and Section 12 of the National Planning Policy Framework.

(Members voted on the amendment to refuse the application)

(Voting: For: Unanimous)

The application was therefore
REFUSED

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

(The meeting started at 6.00 pm and ended at 8.25 pm)

Signed.....

Chair

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Tuesday, 17 November, 2020

No. 5 Planning Application Reports

5.1	KET/2020/0166	MCO	7 Roadins Close, Kettering Full Application: First floor side extension over existing garage with Juliette balcony to rear Expiry date: 19-November-2020	1
5.2	KET/2020/0188	MCO	Churchill Way Car Park, Churchill Way, Burton Latimer Full Application: Refurbishment of car park and recreation/play facilities and demolition of single storey building Expiry date: 19-November-2020	9
5.3	KET/2020/0322	LJO	3 Rockingham Way, Burton Latimer Full Application: Two storey rear extension Expiry date: 06-October-2020	31

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

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/11/2020	Item No: 5.1
Report Originator	Mark Coleman Development Officer	Application No: KET/2020/0166
Wards Affected	St. Peters	
Location	7 Roadins Close, Kettering	
Proposal	Full Application: First floor side extension over existing garage with Juliette balcony to rear	
Applicant	Mr S Giles	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

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

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

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

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

REASON: In the interests of protecting the character and appearance of the area and visual amenity in general 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 north or south elevations of the development hereby approved.

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

Officers Report for KET/2020/0166

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

3.0 Information

Relevant Planning History

KE/2000/0369 Reserved Matters. Approved

KE/1998/0201 Reserved Matters. Approved

KE/1994/0117 Outline approval for residential development

KE/1989/0704 Outline approval for residential development

Site Visit

Officer's site inspection was carried out on 18/03/2020

Site Description

The site is located to the west of Kettering within the Leisure Village residential estate which is enclosed by the A14 trunk road to the west. The site is occupied by a two-storey detached dwelling with attached double garage set back from the main building line. A private driveway leads to the double garage providing two off-road parking spaces clear of the highway. A small garden is located to the front of the property allowing a degree of personalisation. To the rear is a further garden which is average size for the age of the property which is enclosed by 6ft close boarded fence. To the other side of the rear boundary fence to the west is a public footpath and lake (balancing pond) beyond which the Slade Brook runs into (the lake is designated as a NWT Wildlife Site). Residential properties are located to the north and south of the application site.

Proposed Development

Planning Permission is sought for enlargement of the existing property through a first-floor extension above the existing garage. A ground and first floor extension is also proposed to extend the building line of the existing garage forwards (approximately 1.5 metres) to increase the size of the existing garage. The resulting development will also provide an additional en-suite bedroom at first floor.

Any Constraints Affecting the Site

Nene Valley Nature Improvement Area

Ground water flooding (moderate) (permeable superficial deposits)

Flood Zone 3 (adjacent land – within 9 metres of a main river [Slade Brooke])

Potential Wildlife Site (NWT) (adjacent land)

4.0 Consultation and Customer Impact

Environment Agency

No comment received on 15th April 2020 and confirmation that as the property is more than 8 metres away from the main river it is not likely to require a flood risk activity permit from the Environment Agency.

Neighbours

Comment of objection received on 2nd April 2020 from the occupiers of 6 Roadins Close on a number of grounds including loss of access to natural light, loss of privacy within the private garden and bedroom through overlooking from the rear facing Juliette balcony and impact on parking provision and highway safety through loss of available parking space through shortening of the driveway. It is also mentioned that the Juliette balcony is not characteristic of the surrounding development.

Issues raised relating to council tax valuation of the resultant property, obstruction of a view (of the lake), and boundary issues (including impact during the construction phase as described) are not material considerations and cannot be considered through this planning application.

Amended plans were received on 15th April 2020 removing the Juliette balcony from the proposal. A re-consultation did not elicit any additional comments. The original comments therefore remain for consideration.

5.0 Planning Policy

National Planning Policy Framework

Section 2: Achieving Sustainable Development

Section 12: Achieving Well-Designed Places

Section 15: Conserving and Enhancing the Natural Environment

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 19: The Delivery of Green Infrastructure.

Saved Policies in the Local Plan for Kettering Borough

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 adaptation to, climate change.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on Residential Amenity
3. Design and Impact on the Character and Appearance of the Area
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 dwellings.

Policy 11 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.

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

2. 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.

An objection received from the occupiers of 6 Roadins Close to the south raises concerns regarding overlooking and loss of privacy affecting their nearest first floor bedroom and rear garden, as well as the development effectively having an overbearing impact due to its position (built on the boundary line) which will also result in a loss of access to natural light. Particular concern has been raised with respect of occupiers being able to lean out of the Juliette Balcony and see into the neighbours bedroom window.

To address some of these concerns, the proposal was amended to replace the Juliette balcony with a traditional window on the rear elevation. Further re-consultation did not elicit further comment.

Due to the position of the existing garage which is stepped back approximately 2 – 2.5 metres back from the rear elevation of the 6 Roadins Close (although it is noted that the dining room serving this property has a single storey projection which extends further west) and position of the new window on the rear elevation (approximately 1.8 metres in from the southern elevation of the extension) it is unlikely to be physically possible to lean out of the bedroom window to see into the neighbours bedroom window; in any event, such views will be oblique. The proposed bedroom window will result in a loss of privacy to the north western end of the neighbours garden, but immediate garden areas will not be affected and the proposal results in a similar arrangement to other detached properties in the area (e.g. 11 and 12 Roadins Close) and is considered acceptable.

The property sits in line with 8 and 6 Roadins Close to the north and south, although the proposed garage extension is stepped further west as already discussed; no windows are proposed in the north or south elevations and a planning condition is recommended to remove permitted development rights to prevent new openings being inserted in these elevations in order to protect the privacy of neighbouring properties to the north and south.

In terms of overbearing impact, it is observed that the existing garage is built on the boundary line shared with 6 Roadins Close and stepped back further west (as already discussed). The proposal will increase the existing eaves height by 2.6 meters to approximately 5 metres high, with the ridge increased by approximately 3.8 metres to approximately 8.2 metres high. When considered in relation to 6 Roadins Close, whilst the increased height of the existing garage will introduce a degree of enclosure at first floor, this will be limited to depth of approximately 2 – 2.5 metres projection beyond the rear building line of 6 Roadins Close and will be situated at right angle to it. As a result, when viewed from within 6 Roadins Close, the proposed extension will not have a significantly adverse overbearing impact at first floor level and due to the ground floor rear projection at 6 Roadins Close (which serves as a dining room), the immediate patio area and dining room will not be significantly adversely affected either due to the solid roof covering of the rear dining room projection and unobscured outlook to the south and west.

Comments relating to loss of access to natural light is a material consideration. However, due to position of the host property to the north of 6 Roadins Close, access to natural light will be unimpeded from the south and west and overshadowing will not be significant due to the limited strength of the sun from the

north. Impact on access to natural light will therefore be limited to an acceptable level.

As there is no right to a view, issues raised relating to loss of view of the lake are not a material consideration which can be considered. In general, no. 8 Roadins Close is located far enough away not to be adversely affected by the proposal in terms of any other residential amenity impacts and no other properties have been identified as being affected by the proposal.

Subject to conditions already discussed, whilst comments raised by the neighbour at 6 Roadins Close raise material objections, these do not outweigh the merits of the proposal with respect of its impact on residential amenity and the proposal accords with the relevant parts of Section 12 (NPPF) and Policy 8 (NNJCS).

3. Design and 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.

Objection received from the occupiers of 6 Roadins Close states that the proposed Juliette balcony is out of character with surrounding development. As discussed in section 8.2 of this report, an amendment has been submitted removing this feature from the proposal and replacing it with a standard window. As a result, this element of the objection has been overcome.

The Leisure Village is a relatively modern housing estate, with a mix of property types; within this part of the estate houses are largely constructed from the same brick and similar style and have a cohesive appearance with openings generally arranged throughout to achieve a degree of symmetry.

The design of the first-floor extension maintains subservience in relation to the existing dwelling, responding to the building hierarchy and carries over gable relief features just above eaves level, soldier course detailing and general symmetry from the existing dwelling. Subject to planning condition to secure external materials which match those used in the construction of the existing dwelling, the proposal will have an acceptable impact on the character and appearance of the area 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.

Objection received from the occupiers of 6 Roadins Close states that forward extension of the existing garage will shorten the existing driveway and give rise to parking issues. The existing driveway has been measured as approximately 4.76m wide (at the front) > 5.1m wide (at the rear) by approximately 7.7m deep. The proposal will bring the garage forwards an additional 1.5 metres approximately, leaving a driveway depth of approximately 6.2 metres deep, which remains in excess of requirements set out within the Northamptonshire Parking Standards (September 2016). In addition, the proposal will increase the length of the existing garage to 7 metres bringing the depth of the existing garage in excess of the aforementioned parking standards. Whilst the width of the existing driveway and garage does not meet the aforementioned parking standards, these are not altered over the existing arrangement and was considered acceptable at the time that the original dwelling was approved. The additional living space afforded by the proposed extension is not considered to significantly increase the size of the existing dwelling to the extent that additional parking will be required either for inhabitants or visitors, and as already stated, the proposal actually enhances the provision of available parking more in line with Northamptonshire County Councils Parking Standards. As a result, the proposal will have an acceptable impact on parking and highway safety and accords 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.

In this instance, the proposal is limited primarily to a first floor addition above the existing garage and a small increase in footprint over an existing driveway. The site is within close proximity of an identified NWT Wildlife site (water body to the west which Slade Brook runs through), however this will not be directly impacted by the proposed development.

As works are limited to existing buildings / hard surfaces areas where biodiversity is already largely absent, adverse impacts on the NVNIA will be negligible. Although the proposal will not make enhancements to existing biodiversity provision in the area and it will maintain it and is in partial compliance with Section 15 (NPPF) and Policy 19 (NNJCS).

Comments on other points raised by proposal

It is identified that parts of the site may be at medium risk of flooding from ground water sources (permeable superficial deposits); This type of ground water flooding is relatively short lived and comparable in duration to associated fluvial flooding.

The lead local flood authority guidance document for groundwater flood risk states *'When assessing development proposals in areas at risk of groundwater flooding, planning authorities will adopt a risk-based and balanced approach in producing*

recommendations. Applications with groundwater flood risk issues will be assessed by the LPA. Where these issues are complex in nature, the LPA may engage appropriate external advice or advice from NCC. They may also wish to seek the advice of the Environment Agency's Groundwater team on specific issues, where this is appropriate.'

Given the nature of the development being proposed [*primarily first floor with ground floor extension limited to additional garage space which is currently occupied as hardstanding driveway*] it is not considered necessary to require any mitigation measures because ground floor levels will remain as existing and will remain solely for the parking of vehicles and be low risk. The proposal will therefore have a neutral impact.

However, because the site falls within 9 metres of a main river (adjacent lake which is identified as 'flood storage' and a pathway for Slade Brook [the 'main river']), consultation comment from the Environment Agency was been sought, which returned a response of no comment. It is recognised that the site falls outside of flood zones 2 and 3 and is not required to be subject of the sequential assessment or exceptions test requirements and for reasons already set out above with respect of ground water flooding, a site specific flood risk assessment has not been considered necessary in this instance due to the very limited impact which the proposal will have.

Conclusion

The proposal is acceptable in principle and design and in terms of its impact on residential amenity, character and appearance of the area, parking and highway safety and the Nene Valley Nature Improvement Area. Whilst objection relating to overbearing, loss of access to natural light, loss of privacy through overlooking, and impact on parking are material considerations, through assessment of this application they are not considered significantly unacceptable to warrant a reason for refusal. As a result, subject to conditions already discussed, and 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

Committee	Full Planning Committee - 17/11/2020	Item No: 5.2
Report Originator	Mark Coleman Development Officer	Application No: KET/2020/0188
Wards Affected	Burton Latimer	
Location	Churchill Way Car Park, Churchill Way, Burton Latimer	
Proposal	Full Application: Refurbishment of car park and recreation/play facilities and demolition of single storey building	
Applicant	Mr G Holloway, Kettering Borough Council	

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. Notwithstanding the details already submitted, no development shall commence until a comprehensive lighting scheme prepared by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in full and operational prior to first use of the development hereby approved and retained in that form thereafter.

REASON: In the interests of the prevention of crime and anti-social behaviour and in order to avoid unacceptable levels of light spillage or glare which would otherwise harm the residential amenity of neighbouring properties as a result of light pollution and in order to ensure development is sensitive to the character and appearance of the adjacent Conservation Area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The gradient of the access shall not exceed 1 in 15 within the first 10 metres of the edge of the adjoining highway (Churchill Way, Burton Latimer) and shall be retained in that form thereafter.

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

5. Prior to commencement of use, the proposed car park shall be finished with a top surface layer of black tarmac as specified within the 'Proposed Builders Work Plan' (Drawing no. BLC-LFA-ZZ-00-DR-A-1002 - Rev D2-P06) and retained in that form thereafter.

REASON: In the interests of protecting the character and appearance of the area and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the details already submitted, no demolition of buildings or use of the existing 'former stone masons yard' area as a public car park shall commence until a scheme for boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of boundary treatments to the north of the site. Where new boundary treatments are to be erected, these shall be constructed from a stone rubble or brick material, with samples submitted to and agreed in writing by the Local Planning Authority and constructed to a height no less than 2 metres above existing ground levels. The northern boundary shall also include retention of part of the existing rear gable wall of the building to be demolished, which shall be cleaned back to natural stone and all paint and coatings removed. The use of the 'former stone masons yard' area as public car park shall not commence until the approved scheme has been fully implemented in accordance with the approved details, which shall be retained in that form thereafter.

REASON: In the interests of the protecting the safety of neighbouring residential properties and their amenity from impacts of noise, odour and light spillage, and to protect and enhance the character and appearance of the area and the setting of the adjacent Burton Latimer Conservation Area in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

7. Notwithstanding the details already submitted, full details of additional un-covered, secure cycle storage for a minimum of 6 additional bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to use of the development hereby approved commencing. The approved additional details together with the secure covered cycle parking provision shown on drawing no. BLC-LFA-ZZ-00-DR-A-1000 Rev D2-P08 received by the Local Planning Authority on 20th August 2020 shall be implemented prior to use of the development hereby approved commencing, and retained in that form thereafter.

REASON: In the interests of providing safe, adequate and accessible cycle parking in the interests of pedestrian and highway safety and in order to encourage sustainable forms of transport and modal shift in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The Electric Vehicle Charging points shall be made operationally available for use within 36 months following substantial completion of the development hereby approved or the date when it is first operationally available for use, whichever is sooner, and retained in that form thereafter.

REASON: In the interests of providing a more sustainable forms of transport and sustainable development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. The specification of play equipment detailed in the 'Paddocks Equipped Play Area Development Proposal Statement' received by the Local Planning Authority on 24th July 2020 shall be fully implemented (or play equipment of an equivalent standard and specification) and made available for public use and retained in that form thereafter within 6 months of any of the existing play equipment within the site having been removed.

REASON: In order to maintain the continued provision of community play facilities in the interests of public health and wellbeing in accordance with Policy 7 of the North Northamptonshire Joint Core Strategy.

10. Demolition of the former stone masons building and walls shall be carried out in accordance with the Demolition Methodology Statement received by the Local Planning Authority on 24th July 2020.

REASON: In the interests of public safety and to minimise noise, dust and disturbance in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Notwithstanding the requirements of condition 10, all stone rubble arising from demolition of the former stone masons building or walls within the site should be retained, graded and cleaned, and re-used within the construction of other boundary walls within the site, unless it is demonstrated not to be physically possible or viable and is agreed in writing by the Local Planning Authority that this is the case.

REASON: In the interests of retaining historic fabric from the site within approved development in order to reinforce local identity, protect and enhance the setting of the Burton Latimer Conservation Area and reduce the carbon footprint of the development in accordance with Policies 2, 8 and 9 of the North Northamptonshire Joint Core Strategy.

12. No development shall take place until the applicant 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 by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-fieldwork assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (iii) completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion 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 and Policy 2 of the North Northamptonshire Joint Core Strategy.

13. Prior to the commencement of the development (including demolition or site clearance) hereby permitted, a non-verbose or repetitive, CTMP (Construction Traffic Management Plan) shall be submitted to and be approved in writing by the local planning authority. The Plan is to include the following elements;

- Detailed work programme / timetable.
- Site HGV delivery / removal hours to be limited to between 10:00 – 16:00
- Detailed plan showing the location of on-site stores and facilities including the site compound, contractor/visitor parking and turning as well as un/loading point, turning and queuing for HGVs.

- Details of debris management including programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
- Public liaison position, name, contact details and details of public consultation/liaison.
- Provision for emergency vehicles.

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

14. Prior to the commencement of any car park re-surfacing works or works carried out below ground level, full details of measures to protect existing trees to be retained which are located within the site from damage during site clearance, demolition and construction phases, in accordance with BS 5837:2012'Trees in relation to design, demolition and construction' shall be submitted to and approved in writing by the Local Planning Authority. All works associated with the development shall thereafter, only be carried out in accordance with the approved written tree protection measures.

REASON: In the interests of protecting the health and vigour of existing mature trees within the site and the contribution they make to the character and appearance of the area and the setting of the adjacent Burton Latimer Conservation Area in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Spatial Strategy.

15. The cast iron bow top fence enclosing the re-configured play area hereby approved shall be finished in a gloss black paint and retained in that form thereafter within 6 months of the car park or play area being first made available for use, whichever is first.

REASON: In the interests of protecting and enhancing the character and appearance of the area and the setting of the adjacent Burton Latimer Conservation Area in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Spatial Strategy.

16. The development shall not be carried out other than in full accordance with the submitted drainage plan (Drawing no. 100359-01-0500-02A) received by the Local Planning Authority on 24th July 2020 and retained in that form thereafter.

REASON: In the interests of ensuring the proper functioning drainage across the site in order to protect against localised surface water flooding in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

17. No development associated with the construction of the new wall and railings which encloses the approved play area shall commence until details of the types and colours of all external materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority (excluding the use of reclaimed, graded and cleaned stone materials derived from demolition within the site). 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 and in order to protect the setting of the adjacent Burton Latimer Conservation Area in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

18. Prior to completion of the development hereby approved a scheme of landscaping 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 submitted scheme shall also seek to ensure that natural surveillance across the site is maximised and opportunities for crime and disorder are minimised through choice of planting and their location. In addition, the submitted landscape scheme shall include native species of planting and planting identified as pollinators within the context of the Kettering Borough Council 'Local Pollinator Strategy'. The approved scheme shall be carried out in the first planting and seeding seasons following commencement of use of the public car park and play area hereby approved, 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 protecting visual amenity and enhancing the setting of the Burton Latimer Conservation Area, and in order to design out crime, and take opportunities to enhance local biodiversity in accordance with Policies 2, 8 and 19 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2020/0188

This application is reported for Committee decision because the applicant is the Council.

3.0 Information

Relevant Planning History

KET/2015/0347 - S73a.Change of use from stone mason yard to car parking (Approved 15.07.2015)

KE/04/0026 - Extend existing pavilion to include changing rooms, wc's, kitchen, bar and clubroom for Burton Latimer Bowls Club (Approved 04.05.2004)

KE/1999/0845 - Single storey Bowling Club Pavilion (Approved 06/06/2000)

Site Visit

Officer's site inspection was carried out on 19th May 2020.

Site Description

The site is located within the centre of Burton Latimer and accessed directly off Churchill Way, close to the parade of shops. The site comprises the Burton Latimer Churchill Way Car Park (57 bay) and access road, a private car park serving the Burton Latimer Bowls Club (former stone masons yard), Churchill Way Play Area and adjacent land. Land falling outside of the site but within common ownership (blue line land) is the Bowling Club Pavilion and Bowling Green, Millennium Gardens, decommissioned public conveniences and Council office buildings and Town Square (90A-F High Street). The existing car park is arranged around a single access loop providing 57 number of parking spaces for motor vehicles which generally follow a relatively tight herringbone alignment over four rows. A further row of parking lines the northern boundary of the car park where recycling banks are also located.

A high ironstone wall encloses the car park to the west and separates it from the private Bowling Club car park / yard area and the Churchill Way Play Park beyond. Within the private car park / yard area is a high-pitched single storey ironstone building which is mainly rendered with canterbury spar with a roof covered in concrete interlocking tiles and understood to be in use for storage. This area of the site is separated from the Play Area to the south by a further brick wall, and palisade fencing which separates to the bowling pavilion to the west. A mature tree is located along the northern boundary of the site, with some semi-mature trees located elsewhere throughout the site, particularly within the Play Park and near to the Bowling Pavilion.

Proposed Development

Planning permission is sought for re-configuration of the existing site to provide an enlarged, 'level access' car park laid out in accordance with modern standards, to provide 72 'standard' parking spaces, 8 no. of disabled parking spaces, 10 no. cycle and 4 scooter/ motorcycle parking spaces. 7 no. of the parking spaces will serve electric vehicles. CCTV surveillance will be retained but relocated and possibly enhanced to provide security over the entire car park together with illumination. Existing play equipment is to be removed and replaced with new equipment to enhance play opportunities and experience within a re-configured play area. Other

associated works are also proposed to enhance the overall function of the site and existing uses.

Any Constraints Affecting the Site

Designated Conservation Area (adjacent) adopted 24.11.2009

Town Centre

Open space

4.0 Consultation and Customer Impact

Burton Latimer Town Council

Comment of support received on 7th May 2020, with wish that works do not disrupt the light switch on event.

Northamptonshire County Council Highway Authority

Comment received on 26th May 2020 unable to accept proposal without further information being submitted to support the proposal. No pedestrian and vehicular visibility splays are detailed and need to be shown to the required standard; vehicular access needs to be hard bound surfaced and not exceed a gradient of 1 in 15 for the first 10m from the highway boundary. Vehicle tracking of a 4-axle refuse vehicle is requested to ensure safe entry, egress, and navigation throughout the site. A demolition and construction management plan would be required as part of any permission if granted. Car park spaces need to be 3.3m wide and 6m long (or extended with a 1m footpath) where adjacent to solid side boundaries; 6m is required behind perpendicular parking bays; double head lamps located on parking bay boundaries could cause vehicles to overhang or impinge on the standards required for disabled bays (the LPA are requested to take a view on this); disabled parking bay space requirements are stated. The proposed parking area for motorcycles / scooters exceeds requirements; cycle parking should be covered, secure and overlooked and in accordance with specified dimensions; Electric Vehicle parking should be provided to 10% of parking spaces with infrastructure in places to retrofit additional spaces in the future.

Additional information including a vehicle tracking plan, revised parking layout plan, builders work plan, etc, were received on 24th July 2020 and NCC Highways were re-consulted.

Comment received on 12th August 2020 unable to accept proposal without further information being submitted to support the proposal. Specifically, the access width may be insufficient for a large car and refuse collection vehicle to pass simultaneously. Gradient limitation and hard surface requirements within 10m of Churchill Way are required. The LPA are required to satisfy themselves of the parking provision for various vehicles is sufficient. Considerations towards retrofitting Electric Vehicle charging points for the remaining spaces has been raised. Cycle parking should be covered, secure and overlooked with no lifting required and in accordance with specified standards. The LPA to take a view of whether childrens scooter / additional cycle parking is required within the park / play area. A pre-commencement Construction Traffic Management Plan is required.

A revised builders work plan and Proposed Car Park Plan were received on 20th August 2020 and NCC Highways were re-consulted.

No objection received on 28th August 2020 subject to conditions seeking a Construction Traffic Management Plan (pre-commencement) which includes details to address matters relating to a work programme/timetable; HGV / Delivery time restrictions; compound / site storage plan; debris/dust management; public liaison contacts; provision for emergency vehicles.

Northamptonshire County Council Archaeology

Comment of no comment received on 26th May 2020.

Further informal consultation carried out on 23rd October 2020 regarding the historic building to be demolished. NCC Archaeology consulted historic maps confirming a larger building was present in the same location between 1885 and 1901, but not clear if it is the same building. Photographs of the building were subsequently provided to Northamptonshire County Council Archaeology. An updated comment was received maintaining no objection, subject to planning condition which secures a low level of building recording (Level 1 with provision for enhanced documentary research) prior to demolition of the building.

Northamptonshire Police Authority

Comment received on 2nd June 2020 with a number of suggestions to reduce the likelihood of crime, disorder and anti-social behaviour were made including : A) improve CCTV across the car park (new and old areas) and pedestrian routes in and out of the site; B) A boundary treatment which does not hinder surveillance, act as a graffiti surface, or allow rubbish to be left on. A preferred height for a replacement wall would be 900mm – 1000mm with vertical steel railings on top; C) replacement play equipment should not offer shelter or hiding places and be designed to be vandal / arson resistant.

A number of documents were received on 24th July 2020 including Crime and Anti-Social Behaviour - Design and Impact Statement and revised drawings and the Police were re-consulted

Further comment on no objection was received on 31st July 2020.

Kettering Borough Council, Environmental Care (Drainage)

Informal comment of no objection received on 23rd October 2020.

Kettering Borough Council, Environmental Care (Refuse and Recycling)

No comment received.

Kettering Borough Council, Environmental Care (Grounds Maintenance)

No comment received.

Kettering Borough Council, Planning Policy

No comment received.

Kettering Borough Council, Environmental Protection

Informal comment received on 4th November 2020 highlighting that two different lighting schemes are proposed. Both light spillage assessments do not include light spillage data within some areas of the site or adjacent land which may impact on residential amenity. Whilst the BREEAM certificate indicates that impact on residential amenity should be protected to an acceptable level, further information is required to clarify this point.

Neighbours

Comment from the occupier of 3 Churchill Way, Burton Latimer. Support the proposal as the current car park becomes overcrowded and causing parking problems on Churchill Way. Concern raised about boundary security measures when the adjacent building is to be demolished. *Additional questions also raised about the proposal which were answered by the applicant outside of the application process.*

Comment from occupier of Coach House Cottage, 90g High Street. The property has vehicular access through the existing Churchill Road car park. *Questions raised about the proposal which could be answered by the applicant outside of the application process. No comments about the actual application made.*

Objection from the occupier 49 Castle Way, Barton Seagrave, on the grounds that this building [*building not specified*] has been a historic part of Burton Latimer and should be preserved.

Objection from the occupier of 39 Presland Way, Irthlingborough, on the grounds that the building [*building not specified*] is ancient and should be protected and that the plans should be changed.

Objection from the occupier of 31A Tickow Lane, Shepshed, on the grounds that the single storey building should not be demolished; it is of significant age and should be preserved. It is used as a secure home to charitable and voluntary vehicles. Its loss will have a significant impact on the services they provide to the local community.

Comment from the occupier of 18 Duke Street, Burton Latimer. The occupiers garages open out onto the car park; the amount of retained turning room is positive but measures would be sought to prevent people parking in front of their garage. The proposed location of the motorcycle bay will encourage vandalism around the entrance of the park and should be relocated. The proposal does not mention the provision of public toilets and information is sought about their provision.

Comment from the occupier of 20 Duke Street, Burton Latimer. The occupier benefits from right of way over the Churchill Way Car Park with a garage which opens on to it and seek confirmation that this will not be hindered (either during or after works have completed).

Anonymous comment - Comment from occupier of nearby property seeks confirmation that the proposed play area will be locked in the evening to prevent vandalism.

As an anonymous comment, this cannot be taken into consideration, although the key issue raised will be dealt with as part of comments received by the Police Authority and related crime prevention and antisocial behaviour considerations.

5.0 Planning Policy

National Planning Policy Framework

Section 2: Achieving Sustainable Development

Section 7: Ensuring the Vitality of Town Centres

Section 8: Promoting Healthy and Safe communities

Section 9: Promoting Sustainable Transport

Section 12: Achieving Well-Designed Places

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 16: Conserving and Enhancing the Historic Environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 2: Historic Environment

Policy 5: Water Environment, Resources and Flood Risk Management

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

Policy 7: Community Services and Facilities

Policy 8: North Northamptonshire Place Shaping Principles

Policy 10: Provision of Infrastructure

Policy 11: The Network of Urban and Rural Areas

Policy 12: Town Centres and Town Centre Uses

Neighbourhood Plan

Policy 19: The Delivery of Green Infrastructure

Saved Policies in the Local Plan for Kettering Borough

Policy 64. Shopping: Development Within Established Shopping Areas

Policy 86. Transportation: Existing Public Car Parks

Emerging Policies – Part 2 Local Plan (Examination Stage)

Policy LOC1 – Settlement Boundaries

Policy BLA1 – Town Centre Development Principles

Policy BLA2 – Opportunity Redevelopment Sites within Burton Latimer

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 Parking, Highway Safety and Access
3. Impact on Residential Amenity
4. Impact on the Character and Appearance of the Area, Heritage Assets and setting of the adjacent Conservation Area.
5. Prevention of Crime and Anti-social Behaviour
6. Impact on the Nene Valley Nature Improvement Area
7. Flood Risk and Drainage

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'.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Burton Latimer as a smaller town is a secondary focal point for smaller scale development.

Policy 16 of the National Planning Policy Framework 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; as discussed in section 8.4 of this report. Whilst the proposal will have result in the loss of heritage assets, they are not designated, and the historic fabric of these structures will be re-used within the site together with other historically sensitive materials to ensure the loss is less than substantial and the historic character is preserved.

Emerging Policy LOC1 of the SSP2 Local Plan re-defines the settlement and town centre boundaries which the site falls. In addition, Policy BLA2(a) identifies the site as an opportunity site (BL1) for environmental upgrade of the public realm and new development. Specifically, it states that *'scoping work is currently being progressed to explore opportunities to re-configure the existing Council car-park (off Churchill Way) to deliver public realm, play facility and car parking facility enhancements, and responds to some of the findings set out in the Burton Latimer Town Centre Health Check Update (2016).....'*

The application site was also identified through the Burton Latimer Urban Design Framework (UDF) 2006 as a potential area for redevelopment and improvement to create a more sustainable and successful town centre. The document which was endorsed by Burton Latimer Town Council and Kettering Borough Council identifies how the town centre can be improved to create a better place and sets these potential improvements out in a coordinated Framework.

The document highlights that the present car park to the west of the space undermines enclosure and creates a dead edge to the space. Re-orientating the car park would provide better parking provision within a safer environment, that would form the principal town centre car park.



The redevelopment of the site incorporating those principles first established in the UDF have been captured within emerging Policy BLA2(a) of the emerging SSP2 Local Plan. Whilst the proposal now under consideration does not include additional new buildings set out within the earlier work, it responds to the identified need to enhance parking within the town centre as set out within the emerging SSP2 Local Plan which was informed by the Market Town Centres Health Check Update Background Paper March 2016 which reported enhanced parking as one of the top three improvements required.

The proposal therefore seeks to realise these ambitions and accords with emerging policy aims, subject to other matters discussed below being acceptable. Although the emerging SSP2 Local Plan has not yet been adopted, it is subject to the last stages of examination and is a material consideration which is given limited weight in support of the proposal.

Consideration is also given to the existing public car park and play area use of the site which will remain unchanged, together with planning permission KET/2015/0347 which also permits use of part of the site (former stone masons yard) for use as car park in connection with the Burton Latimer Town Bowls Club which was not limited by planning condition to be used solely in connection with the Bowls Club. Whilst the proposed extension to the car park will result in a more intensified parking use of this part of the site than at present, the principle for use of the land for car parking has effectively been established through this previous grant of planning permission.

In addition, Policy 12 of the North Northamptonshire Joint Core Strategy acknowledges that the vitality and viability of town centres in North Northamptonshire will also be supported by '(b) enhancing the public realm and improving access to town centres for pedestrians, cyclists....and supporting proposals to provide convenient, safe and secure car parking' which the proposal contributes towards subject to planning conditions as set out within this application.

Whilst the proposal will result in the temporary loss of community play and leisure facilities, the proposed re-development will enhance the specification of current play equipment provision within the town centre and bring it in line with current standards in accordance with Section 8 of the National Planning Policy Framework which promotes access to high quality open spaces and opportunities for physical activity, recognising it as an important part of delivering health and well-being outcomes for communities. A planning condition is recommended to ensure that the lack of play equipment provision is limited to a short time period over the course of the development, to ensure that health and wellbeing outcomes are not adversely affected long term. In this instance, the proposal appears to make marginal changes to the extent of the current play area, although any reduction is not significant. Given the improved play facilities which will be offered, the proposal complies with paragraph 97(b) of the National Planning Policy Framework.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new development provided there is no adverse impact on character and appearance, residential amenity and the highway network which are discussed within this report to be satisfactory, subject to additional controls which should be secured by planning condition.

Given the existing use of the site is public / private car park and recreation area / public open space, a large part of the existing use will remain unchanged. The proposed works will seek to re-configure the existing arrangement on the ground and lead to some changes in the way the northwest / west part of the site is used, giving up some amenity space for additional car park, whilst also co-joining areas of available useable space for play equipment installation. The resultant arrangement will maintain the land for public use and does not fundamentally change the public use of the site overall. Together with the emerging support to re-develop the site and its location within the

existing settlement, the principle of development is considered acceptable subject to other matters being considered acceptable.

2. Impact on Parking, Highway Safety, and Access

Section 9, paragraph 108(b) of the National Planning Policy Framework states that when considering applications for development, it should be ensured that *'appropriate opportunities to promote sustainable modes of transporthave been taken up, given the type of development and its location'* [and] *'safe and suitable access to the site can be achieved for all users'*. Paragraph 109 goes on to state that *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. The general emphasis set out in paragraph 110 of Section 9 of the National Planning Policy Framework seeks for development to support the sustainable movement hierarchy, giving priority first to pedestrians, cyclists and public transport, and addressing the needs of people with disabilities and reduced mobility. In addition, Paragraph 110 seeks for development to create places which minimise scope for conflicts between pedestrian, cyclists and vehicles and allow efficient delivery of goods and access by service and emergency vehicles and be design to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Due to the nature of the proposal (extended and re-configured car park and play area) there are limits to which the proposal can support pedestrians and the use of public transport. However, as discussed below, provision have been made to encourage modal shift towards the use of bicycles and electric vehicles, and the overall safety within the site for pedestrians has been enhanced through the proposed layout.

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.

The proposed enlarged car park will utilise the existing access point which will not be altered. The surfacing across the car park will be renewed where existing and the extended area of public car park will be surfaced to match with black tarmac. The layout of the car park will bring parking spaces up to current parking standards adopted by Northamptonshire County Council and provides improved manoeuvring space throughout, whilst maintaining right of access to the rear of properties located on Duke Street.

As already discussed, the existing car park offers a total of 57 parking bays (many of which do not meet the required standard) and 6 uncovered bicycle parking spaces [Sheffield Stands] adjacent the play park.

The proposal will increase the level of parking provision to offer 72 'standard' parking bays (6 of which will be for Electric Vehicles), 8 [10%] 'disability standard' parking bays (1 of which will be for Electric Vehicles), 10 [12.5%] secure covered bicycle parking 'stations', and 4 spaces for motorcycle parking. Whilst this results in an increased level of provision, it is not of such a scale that significant amounts of additional movement will be generated and require detailed assessment through submission of a transport statement in this instance.

It is noted that a submitted 'Electric Vehicle Charging' statement highlights that provision has been made for 10% (7 no.) of parking spaces within the proposal to provide ELV charging capacity, however Western Power will not have capacity for this provision until essential upgrade works are carried out over the next 36 months. The proposal therefore seeks to install the necessary infrastructure over the course of the development to become available for use once the essential upgrade works to the energy infrastructure are completed in accordance with Policy 10, criterion (c) of the North Northamptonshire Joint Core Strategy and should be secured by planning condition taking into account the reported delay.

With respect of the cycle parking, it is considered that the secure covered parking near the entrance to the car park is sufficient in terms of meeting capacity requirements, however it is noted that there is no form of convenient cycle parking near to the park. Given the types of users (children and families) who may use this facility, and the current route of passage required across the car park to the play area, it is considered that additional secure cycle parking should be provided by the play park itself. However, taking into account comments from the Police with respect of avoiding shelters by the play area which could become a magnet for antisocial behaviour, additional uncovered cycle parking in this location together with the proposal covered parking shown on the submitted plans would be satisfactory. This can be secured by planning condition. Subject to these conditional matters, the proposal will result in a significant enhancement over the current parking provision within the town and will improve capacity and safety within the car park whilst also encouraging some more sustainable forms of transport use.

Whilst, initial comment from Northamptonshire County Council Highways highlights that the existing access point with Churchill Way does have a pinch point where larger vehicles (e.g. a car and a refuse lorry) are passing simultaneously, this cannot be overcome due to existing constraints, and it is accepted that such incidents will be occur on limited occasion; the existing access is wide enough for two cars to pass simultaneously which is adequate for the car park it serves, and vehicle tracking plans submitted demonstrate that the access and layout is sufficient for a 4-axle refuse vehicle to safely manoeuvre around ensuring that collections from the rear of properties on Duke Street and from existing community recycling banks located within the site will be unimpeded. The proposal improves safety within the site and the additional parking area does not result in unacceptable risk to highway safety or safety within the site through reliance on the existing access to the site. As a result, final comments from Northamptonshire County Council Highways Authority raises no objection subject to a pre-commencement planning condition seeking submission of a construction traffic management plan to be implemented over the course of the development which is recommended to be included is approval is issued.

A third-party comment has sought additional measures to be provided to prevent unauthorised parking adjacent to private garages serving properties located on Duke Street which open onto and use the car park as a means of access to the highway network. However, the proposal does not fundamentally change the existing situation with respect of this and given that the site falls within private ownership, highway restrictions cannot be applied. Despite this, appropriate controls would be available to the landowner to address this problem which is a civil matter. In addition, such

measures are not considered 'necessary' in terms of the six tests for applying a planning condition and cannot be dealt with through the planning system.

Whilst the proposal will result in the loss of parking exclusive to the users of the bowling club, this will be off-set by the provision of additional formalised parking which meets current parking standards and remain available for users of the bowling club as well as the adjacent play park, Millennium Gardens and town centre. No objections have been received from the Bowls Club or town centre occupiers to indicate any contrary concerns.

Subject to the planning conditions already discussed, the proposal will have an acceptable impact on parking, highway safety, and access and accords with the relevant parts of Section 9 of the National Planning Policy Framework and Policies 8 and 10 of the North Northamptonshire Joint Core Strategy.

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.

The majority of boundary treatments between existing residential properties are not proposed to be changed except to the rear of 3 – 5 Churchill Way, which is currently enclosed by the rear elevation of the existing building which is to be demolished with the exception of the rear wall which is to be reduced in height to the same height as the adjoining boundary wall (2.5 metres). Typically, this could be secured by planning condition however, it is also considered appropriate to upgrade the section of fencing abutting the rear of 5 -11 Churchill Way to provide a more secure boundary which will better mitigate against noise / odour / light impacts associated with the more formalised public car park use as well as enhancing the appearance of the area (as discussed in section 8.4 of this report).

Subject to a planning condition securing this and a planning condition to retain the rear elevation wall of the existing building to be demolished, whilst the additional parking spaces proposed will intensify the existing car park use which will give rise to a degree of disamenity in terms of noise disturbance, these impacts will be mitigated to an acceptable level. Given that the use of the enlarged car park itself will not have a significant or unacceptable impact on residential amenity with respect of noise / odour / disturbance, these aspects of the proposal are considered acceptable in terms of residential amenity impacts.

The proposal incorporates external lighting to aid safe pedestrian movement throughout the site and address crime prevention and disorder issues. A total of 8-9 no. lamp standards are proposed which measure 5 metres high, with luminance specifications ranging between 2820 and 5155 lumens. The submitted lighting assessment indicates that light spillage will not be significant at certain locations near

to the site, but does not confirm the extent of light spillage at closer proximity to the boundary of properties on Churchill Way, particularly given the boundary treatments to these properties will not exceed 2.5 metres, but the proposed lamp standards measure 5 metres. Informal comment from Kettering Borough Council Environmental Protection accept that it is likely that residential amenity impacts could be made acceptable, although further clarification is required regarding the submission relating to the proposed lighting.

Notwithstanding this, as discussed in section 8.4 of this report, the use of lamp standards is considered less desirable than the use of low level lighting, in terms of impact on the setting of the Conservation Area which will also address residential amenity issues in terms of light pollution which is required to be made acceptable in accordance with Policy 8 (criterion e(ii)) of the North Northamptonshire Joint Core Strategy. It is therefore considered that a revised lighting scheme could overcome these concerns and allay any crime prevention and antisocial behaviour issues through consultation with the Police Authority and should be secured by planning condition.

A comment from the occupier of 3 Churchill Way raised concerns regarding boundary security during the demolition of the existing building which abuts their property (shown in photographs 1-5 of the submitted Car Park Photograph Demolition Areas Plan). These issues are dealt with through submission of a demolition statement which will be secured by planning condition. Subject to this, the proposal is considered acceptable and accords with the relevant parts of Section 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Impact on the Character and Appearance of the Area, non-designated Heritage Assets and setting of the adjacent Conservation 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.

Section 16 (NPPF) paragraph 192 also seeks for LPA's to considered the desirability of sustaining and enhancing the significance of heritage assets, taking account of the positive contribution that their conservation makes, and the desirability that new development may make to the overall local character and distinctiveness

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 2 of the North Northamptonshire Joint Core Strategy (NNJCS) seeks for proposals to conserve and enhance the setting of a heritage asset, and complement their surrounding historic environment through form, scale, design, and materials.

Policy BLA1 of the Emerging SSP2 Local Plan also provides direction on Town Centre Development Principles including: A) enhancing the historic character of the town and designed in the context of the historic character; i) give priority to the retention and conversion of historic buildings and buildings of local significance; k) Demonstrate that proposals accord with 'Designing out Crime'. As discussed in Section 8.1 of this report,

only limited weight can be attached to the emerging SSP2 Local Plan, but it remains a material consideration.

The application site abuts the designated Burton Latimer Conservation Area which bounds the site to the south and east, with views across the car park (including buildings and walls within) visible from the Conservation Area; as a result, changes within the site have the potential to adversely affect the setting of the Conservation Area.

The existing car park is surfaced with black tarmac which will be re-surfaced with the same which will have a neutral impact; those parts of the site currently surfaced with loose chippings or concrete slab will match the existing car park which will enhance its overall appearance.

The proposal will result in the loss of a historic building and wall, and 3 no. trees located adjacent the bowling pavilion / play area, the most significant of which is a semi-mature Maple/Sycamore tree which is visible from a number of vantage points within the site. However, a number of compensatory trees are proposed to be re-planted to mitigate against this loss and enhance the long-term appearance of the site and surrounding area, particularly given they will become more visible across the site through the removal of the existing ironstone wall which runs in a north/south direction through the site (discussed below). With this in mind, it is accepted that there may be a temporary adverse impact on the setting of the Conservation Area with respect of the loss of the mature maple, however, this will not be long term. In order to safeguard against this, a tree re-planting programme should be secured by planning condition as part of a more comprehensive landscape scheme, together with measures to protect trees over the course of construction which have been identified to be retained, including the mature tree located close to the northern boundary.

The tall ironstone wall coped with clay pantiles / brick currently separates the public car park from the private car park / yard area and play area in a north/south direction. This wall makes a contribution to the historic character and appearance of the site and its overall setting, but also creates a physical barrier to the safe and efficient layout of the site as public car park and is a visual obstruction to natural surveillance of the car park and adjacent play area and Millennium Gardens. The proposal will seek to remove this historic wall but reinstate a lower ironstone rubble wall to separate the extended car park from the enlarged play area, with loop topped wrought iron railings set above as shown on the submitted plans. The heritage design of the railings on top of the ironstone wall (coped with cant bricks) will help to mitigate the loss of historic fabric and retain some of the historic character of the site, subject to planning condition seeking the reuse of the existing stone rubble arising from demolition on site in the construction of the boundary walls and details to be submitted for other materials used in the construction of the wall, as well as colour of the railing being finished in gloss black.

A tall single storey building located adjacent the northern boundary will also be partially demolished as part of the proposal to enlarge the existing public parking area. 3 no. objections have been received with respect of demolition of the building, owing to the fact that it is a heritage asset which contributes to the character and appearance of the area and should be protected, in addition to the use of the building to store vehicles

in use for charitable community causes. This building forms the rear boundary treatment to 3 and 5 Churchill Way; from the northern side, it provides an attractive stone rubble wall but can only be seen from within the private realm within private gardens. The east elevation of the building is exposed and reveals the iron stone rubble used in its construction which makes an attractive contribution to the historic character of the area and is readily visible from within the Conservation Area. However, from all other elevations, it is faced with a canterbury spar render which detracts from its overall visual contribution to the setting of the area and has been subject to a number of other unsympathetic alterations over time. As part of the proposed demolition works, the proposal seeks to retain the rear elevation of the building, securing the existing boundary treatment to no. 3-5 Churchill Way and provide a visual clue to the former building when viewed from within the car park, which would reveal the stone rubble wall from within. The rest of the building is to be demolished.

Consultation comment from Northamptonshire County Council Archaeology confirms that a building was present in the location between 1885 – 1901 but is unable to confirm that is the same building. Due to the presence of the stone elevations, it is considered likely, however it is not registered on the County's Historic Environment Records and the alterations made to the building since its original construction are noted as weakening its overall interest. No objection has been raised by Northamptonshire County Council Archaeology although it has been recommended that a planning condition be applied to secure a photographic and written survey/assessment of the building prior to its demolition.

With this in mind, it is considered that the loss of the east elevation will harm the setting of the Conservation Area, however, the reveal of the internal wall (currently painted white) of the building will counteract this loss to some degree once coverings are taken back to original stone. In this instance, the building is not a designated heritage asset as it is not located within the Burton Latimer Conservation Area and is not a designated listed building or on a local list of buildings to be protected. Notwithstanding this, section 197 of the National Planning Policy Framework requires the effect of an application on non-designated heritage assets to be considered in determining a planning application.

In assessing the acceptability of these works, paragraph 192 of Section 16 of the National Planning Policy Framework sets out three criteria for consideration. These include: a) the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

As discussed, only one public elevation of the building is considered desirable to sustain in terms of its contribution to the setting of the adjacent Conservation Area, which will be countered by the better reveal of the internal rear elevation of the building (subject to removal of paintwork within). It is not considered that the loss of the building will result in substantial harm to the setting of the Conservation Area, and in accordance with paragraph 196 of the National Planning Policy Framework, should be weighed against the public benefits of the proposal.

In this instance, the benefits to the public arise in the form of improved parking and play facilities to serve the town of Burton Latimer as set out in this report and the benefits this will have to safety, health and wellbeing of its users, and vitality and viability of the town centre, which is considered to outweigh the less than substantial loss to the setting of the Conservation Area.

It is noted that the loss of the single storey building will mean that its use will no longer be available for the storage of vehicles associated with charitable community uses, but it is considered that alternative storage options would normally be available locally so that these impacts are manageable.

As discussed in section 8.3 of this report, enhanced boundary treatment to the north of the site adjacent the rear of properties on Churchill Way is also recommended for residential amenity purposes. Subject to materials used in its construction which would be controlled by planning condition, this will also enhance the character and appearance of the area, particularly if traditional historic materials are used. In addition, it was discussed that a further condition be applied to seek a revised external lighting scheme which clarifies the degree to which residential amenity impacts from light spillage will be controlled, but also considers more subtle low level lighting which has opportunity to enhance the setting of the adjacent Conservation Area and improve the overall character and appearance.

As a result, subject to planning conditions discussed in this section, the proposal will have an acceptable impact on the character and appearance of the area, non-designated heritage assets and the setting of the adjacent Conservation Area and accords with the relevant parts of Section 16 of the National Planning Policy Framework, Policies 2 and 8 of the North Northamptonshire Joint Core Strategy and emerging policies.

5. Prevention of Crime Prevention and Anti-social behaviour

As discussed in section 3 of this report, the proposal will re-configure the existing car park and children's play area in order to enhance accessibility, safety and provide improved community facilities in terms of parking, play and recreation. The proposed boundary wall between the proposed car park and play area will be low level in order to prevent direct exhaust emissions in to play spaces, whilst also ensuring there is no opportunity for vehicles to encroach into play or pedestrian areas.

The current layout of the site is such that natural surveillance of the children's play area and Millennium Gardens is not possible from the car park due to the high ironstone wall which separates the two.

The proposal will improve natural surveillance across both the car park and play area / Millennium Gardens whilst maintaining a physical separation between the two areas to ensure physical safety of its respective users. The application seeks to relocate the CCTV's and upgrade (if necessary) in order to provide observation vantage over the wider site.

Consultation comments received from the Northamptonshire Police originally raised a number of issues, which have been addressed through submissions. As a result, a final comment from Northamptonshire Police raised no objection to the proposal.

As discussed in sections 8.3 and 8.4, a further lighting scheme will be required by planning condition to address concerns relating to residential and visual impacts, with a preference towards the consideration of low level lighting solutions as part of a wider scheme, which would be agreed in consultation with Northamptonshire Police.

A landscape condition is also proposed as discussed in section 8.4 of this report in order to enhance the character and appearance of the area and the setting of the adjacent Conservation Area. As part of this condition, the applicant would be advised to provide a scheme which also maintains natural surveillance across the site and excludes planting which detracts from this. As a result, subject to the aforementioned conditions, the proposal is considered to have an acceptable impact in terms of preventing opportunities for crime and anti-social behaviour and accords with the relevant parts of Policy 8 of the North Northamptonshire Joint Core Strategy.

6. 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.

The majority of the site is hard surfaced and used as existing car parking; those areas in use as play area or gardens have formal planting and a maintenance regime which does not foster significant biodiversity benefits. The new car park surface will cover peripheral areas of the existing play area and approaches to the bowling pavilion and informal parking area to its west. As discussed in section 8.4 of this report, 3 no. trees will be felled as part of the proposal, but themselves do not contribute significantly to biodiversity. A tree re-planting scheme is proposed to mitigate against the visual loss, however this provides additional scope as part of a wider landscape scheme to enhance biodiversity through the selection of native planting species and plants which aid pollination in accordance with the Council's Local Pollinator Strategy.

Subject to this condition, the proposal is considered acceptable in terms of its impact on the Nene Valley Nature Improvement Area and Biodiversity in general and accords with the relevant parts of Section 15 National Planning Policy Framework and Policy 19 of the North Northamptonshire Joint Core Strategy.

7. Flood Risk and Drainage

Section 14, paragraph 155 (NPPF) seeks for inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk (whether existing or future).

Section 14, Paragraph 163 (NPPF) states that when determining any planning applications, local planning authorities ensure that flood risk is not increased elsewhere. Development should be supported by a site-specific-flood risk assessment where appropriate, and only be allowed in areas at risk of flooding where in light of an assessment that includes a sequential test and exception test, it can be that the most vulnerable forms of development are located in areas of least risk to flooding; the

development is appropriately flood resistant/resilient; the proposal incorporates SUDs unless it can be demonstrated that this would be inappropriate; residential risk is safely managed; safe access/escape routes are included as part of an emergency plan.

Policy 5 of the North Northamptonshire Joint Core Strategy seeks for development to contribute towards reducing the risk of flooding and to the protection and improvement of the quality of the water environment. Criterion (a) prioritises development away from high/medium flood risk areas applying a sequential approach; (b) incorporate flood protection measures which meet a minimum 1 in 100 annual probability standard with allowances for climate change...; (c) incorporate Sustainable Urban Drainage Systems wherever practicable; (d) contribute to flood risk management in North Northamptonshire. Further criteria specify situations when development will or will not be permitted.

The site falls within flood risk zone 1 which is the lowest risk of flooding and does not fall within an area identified as being at risk from ground water flooding. No formal comments with respect of flood risk were received.

The submitted flood risk assessment states that surface water drainage will be dealt with through Sustainable Urban Drainage (SuDs) provisions, although this has been updated through submission of a drainage plan which indicates the use of an engineered underground attenuation tank to store surface water run-off from the extended parking area rather than SuDs. Given limitations within the site to be able to provide traditional SuDs, this would appear acceptable. No additional drainage provision is proposed for the existing car park area which will be subject of resurfacing and no objection has been received from Kettering Borough Council's Drainage engineer. The proposal is therefore considered acceptable and accords with the relevant parts of Policy 5 of the North Northamptonshire Core Spatial Strategy.

Conclusion

As set out within this report, the proposal is acceptable in principle and subject to conditions already discussed, will have an acceptable impact on Parking, Highway Safety and Access, Residential Amenity, the Character and Appearance of the Area, Heritage Assets and setting of the adjacent Conservation Area, the Nene Valley Nature Improvement Area, and Flood Risk and Drainage. The proposal is also acceptable in terms of prevention of Crime and Anti-social Behaviour issues. As a result, 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:

Previous Reports/Minutes

Ref:

Date:

Mark Coleman, Development Officer on 01536 534316

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/11/2020	Item No: 5.3
Report Originator	Louisa Johnson Development Officer	Application No: KET/2020/0322
Wards Affected	Burton Latimer	
Location	3 Rockingham Way, Burton Latimer	
Proposal	Full Application: Two storey rear extension	
Applicant	Miss R Begum	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

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

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

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

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

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

4. The windows at first floor level on the side and rear elevations shall be glazed with obscured glass and any portion of the windows that is within 1.7m of the floor of the room where the window is installed shall be non openable. The windows shall thereafter be maintained in that form.

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

5. 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 side and rear elevation or roof plane of the building.

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

Officers Report for KET/2020/0322

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 not carried out due to the current Coronavirus pandemic, however the site was viewed using mapping systems.

Site Description

The site is a two-storey detached house with detached garage on Rockingham Way and is located on a corner plot.

Proposed Development

The proposal is for the erection of a two storey rear extension. The proposal has been amended from the original scheme for a single storey rear extension with balcony above.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Neighbours

Two letters of objection have been received, the objections were received on the original scheme for a single storey extension with balcony at first floor however they are of relevance to the revised scheme for a two storey rear extension; the following issues were raised:

- The proposal would overlook the gardens of both no.s 5 and 7 Rockingham Way and would be completely visible to both, as both houses are built at right angles to and below the level of the existing construction.
- There is a complete loss of privacy to 5 Rockingham Way, the windows overlook no. 5 and the building is very close to the boundary of no. 5.

5.0 Planning Policy

National Planning Policy Framework 2019

Policy 2: Achieving a sustainable development

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

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. Residential amenity

1. Principle of Development

The application seeks the erection of a two storey rear extension, this is an amended scheme as the original scheme was for a single storey rear extension with a balcony above.

Policy 8 of the adopted NNJCS (July 2016) seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area. Paragraphs 124, 127 and 128 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

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

2. Impact on the character and appearance of the area

The site is located on Rockingham Way, in a predominately residential area.

The proposal involves the erection of a two storey rear extension measuring approximately 4.9m wide, 3.5m deep and 5m in height with a flat roof.

The proposed flat roof is not in keeping with the style of the existing house which is a two storey house with a pitched roof, however this design has been used in an effort to minimise the bulk of the extension. In addition, due to the 'L' shape of the existing house which the extension would infill, the proposed extension would not be visible from the road. Therefore whilst the proposed extension would not be in keeping with the character of the host property it would not be visible from the public realm.

Overall the proposal will have an acceptable impact on the character and appearance of the area and accords with the relevant parts of Policy 7 (NPPF) and Policy 8 (NNJCS).

3. 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 5 Rockingham Way, an objection has been received from no. 5 on the grounds that the proposed extension is very close to the boundary fence, the windows would overlook no. 5 and the proposal would result in a loss of privacy to no. 5.

The proposed two storey rear extension is approximately 4.5m from the garage at no. 5 (the closest point). The proposal includes a window in the side elevation facing no. 5, however it is considered that as this serves a dressing room that it could be obscure glazed and fixed shut below 1.7m above internal floor level to protect the privacy of no. 5. Given the separation distance and subject to conditions requiring the window to obscure glazed and fixed shut and a condition preventing the insertion of any additional windows in the side elevation, it is considered that the proposal would not have a detrimental impact on 5 Rockingham Way.

An objection has also been received from 7 Rockingham Way on the grounds that the proposal would overlook the garden of no. 7 and be completely visible from the garden. 7 Rockingham Way does not share a boundary with the site and the boundary of no. 7 is approximately 13m away from the proposed extension with 5 Rockingham Way in between. Given this separation distance and subject to the conditions discussed above, it is considered that the proposal would not have a detrimental impact on 7 Rockingham Way.

The site shares a rear to side boundary with 1 Rockingham Way, the proposed rear extension would be approximately 6.6m from the boundary with no. 1 and 7.8m to the side elevation of no. 1 which is blank. The proposed first floor rear elevation would contain two obscure glazed windows serving bathrooms, which would look towards the blank side elevation of no. 1. Given the separation distance and subject to conditions requiring the windows to obscure glazed and fixed shut and a condition preventing the insertion of any additional windows in the rear elevation, it is considered that the proposal would not have a detrimental impact on 1 Rockingham Way.

Therefore it is considered that subject to the conditions above there will be no unacceptable impact on the amenity of neighbouring residents through this proposal in accordance with policy 8 of the NNJCS.

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:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: