

PLANNING COMMITTEE

Tuesday 1st December 2020 at 6.00pm
www.kettering.gov.uk/youtube

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A G E N D A

1. Election of Chair
 - Appointment of Deputy Chair
2. Apologies
3. Declarations of Interest
 - (a) Personal
 - (b) Prejudicial
4. Minutes of the meetings held on 20th 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
6. Planning Application Reports

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held: 20th October 202

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

20.PC.55 **APOLOGIES**

Apologies for absence were received from Councillor Shirley Stanton and Councillor Cliff Moreton.

It was noted that Councillors Scott Edwards and Mark Dearing were acting as substitutes.

20.PC.56 **MINUTES**

RESOLVED that the minutes of the meetings of the Planning Committee held on 8th September 2020 be approved as a correct record.

20.PC.57 **DECLARATIONS OF INTEREST**

None

20.PC.58 **ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE URGENT**

None.

20.PC.59 **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. Three speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.

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

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.2 Full Application: Erection of two storey side extension with 5 no. rooflights and dormer window and balcony to rear. Creation of additional parking and enlarged communal garden. Demolition of 3 no. residential properties at St Anns Residential Care Home, 12 The Crescent, Kettering for Mr I Sloan, B&M Care</p> <p>Application No: KET/2020/0264</p> <p><u>Speaker:</u></p> <p>Michelle Bhangal attended the meeting and addressed the committee as the agent on behalf of the applicant and stated that the proposed development would positively increase the capacity of the popular care home and allow a high quality of care to be given to its residents.</p>	<p>Members received a report which sought planning permission for the demolition of 3 no. detached dwellings (28, 30 and 32 The Crescent) to facilitate a two storey side extension to the existing St. Anns Nursing Residential Care Home to provide a net additional 13 en-suite bedrooms, communal areas and ancillary rooms, enlarged garden (62% increase) and additional parking.</p> <p>It was noted that the ancillary rooms would have enhanced existing facilities to provide cinema room, gym, hair salon, chapel, orangery, balcony for residents and staff training room and tearoom. The proposal also aimed to enable the care home to provide additional dementia care service by increasing the care home capacity from a 39 to 52-bedroom facility. The proposal would have resulted in the loss of 2 existing units, but generate an increase in need for 4 additional members of staff.</p> <p>Members raised concerns regarding the loss of 3 dwellings to make way for the proposed development and raised concerns based on the increased traffic flow and lack of off-road parking in close proximity to the train station.</p> <p>Following debate it was proposed by Councillor Thurland and seconded by Councillor Edwards that the application be refused in contrary to the officers recommendation due to the proposed development being against the local plan and the nature of the application being out of character with the surrounding area</p> <p>It was agreed that the application be REFUSED for the following reasons:-</p>

1. The loss and re-development of three dwellings to facilitate the proposed extension of a C2 use is considered to be unacceptable and contrary to Development Plan policies which seek to protect the residential character of the area from the encroachment of other development. The development does not preserve the character of the residential area.

(Planning No. 2)

20.10.20

2. The proposed extension does not accord with Development Plan policies specifically The Headlands Quarter (Policy 24) Kettering Town Centre Area Action Plan (KTCAAP) and Saved Local Plan Policy K16.

(Members voted on the motion to REFUSE the application)

(Voting: For: 6, Against: 1, Abstain: 1)

The application was therefore
REFUSED

20.PC.59.2 KET/2020/0339

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.4 Full Application: Erection of 1 no. Class B8 warehouse building, car parking and associated works at Plot 1, Weekley Wood Avenue, Kettering for Tonsley GS Ltd And The Buccleuch Estates Limited</p> <p>Application No: KET/2020/0339</p> <p><u>Speaker:</u></p> <p>Christopher Dwan attended the meeting and addressed the committee as the agent on behalf of the applicant stating that the proposed development set out to complete one of the final land parcels within the Kettering business Park and was a committed employment site. It was stated that the applicants were to follow recommendations set out to enhancement the surrounding area/ecology and that there had been no Highways objection to the scheme.</p>	<p>Members received a report which sought planning permission for the construction of a single unit for a B8 warehouse use (specifically a self-storage unit) together with associated parking, turning, landscaping and associated works.</p> <p>It was noted that the plans were amended during the application process to reflect officer concern with the colour and finish of the building and to address consultee concerns over the surface water drainage and landscape/biodiversity net gain for the site.</p> <p>Members questioned whether or not the colour of the building could be amended in order for the proposed development to blend in with the surrounding area.</p> <p>It was heard that the proposed development was acceptable and that all concerns raised had been dealt with within the officers report.</p> <p>Following debate it was proposed by Councillor Titcombe and seconded by Councillor Edwards that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development shall not take place except in complete accordance with the approved plans and details listed in the schedule attached to this decision. Thereafter, the external materials shall not be replaced except with materials which match those being replaced in type and colour.
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or re-enacted and the Town and Country Planning (General Permitted Development) Order 2015 as amended or re-enacted, the development hereby approved shall only be used as a self storage facility and shall not be used

- for any other purpose including other storage, distribution, industrial or commercial purposes.
4. Prior to the commencement of development a Construction and Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction. The measures shall include but not necessarily be limited to:
 - Method of prevention of mud from the site entering onto the highway
 - Management of site traffic
 - Details of the site compound
 - Construction Hours
 - Name and telephone number of the site manager
 5. No development shall take place (except site clearance) until full engineering drawings showing the proposed access, footways, visibility splays and details of the removal/relocation of all utility covers, lamp posts and other obstacles within the area of the access and visibility splays have been submitted to and approved in writing by the local planning authority. The development shall only take place in accordance with the approved details and thereafter the areas within the visibility splays shall be kept permanently clear of all obstacles above 0.9 metres in height.
 6. Prior to any external hardsurfacing taking place and any development above slab level taking place, details shall be submitted to and approved in writing by the local planning authority which show details of a plug in vehicle charging point to be provided at one of the proposed car parking spaces and the provision of the necessary infrastructure as part of the built development to enable the provision of further charging points in the future. The development shall not be brought into use until the approved charging point and infrastructure has been provided in accordance with the approved details. The charging point and infrastructure shall be retained thereafter.
 7. The building hereby approved shall not be brought into use until the access, parking and turning areas have been fully completed in accordance with approved site plan AL(0)012 Revision P8. Thereafter, no outside storage shall take place within these areas and they shall be kept permanently available for parking, loading, unloading and manoeuvring purposes only.
 8. Prior to the building being brought into use the three cycle storage racks/bars shall be provided within the building as shown on the approved floor plan drawing AL(0)013 Revision P7. The cycle racks/bars shall be permanently retained thereafter and kept available for the secure storage of cycles for employees or visitors to the site only.
 9. No development or site clearance shall take place except in complete accordance with all of the recommendations set out in paragraphs 10.8 to 10.18 of the approved Preliminary Ecological Appraisal Report ref: 19-2485 version 2 by Lockhart Garratt dated March 2020. These recommendations shall be adhered to when submitting details to the local planning authority to discharge any other conditions attached to this permission.

10. Prior to the building being brought into use, a range of suitable bat and bird boxes shall be provided within the site (as suggested at paragraph 10.9 of the approved Preliminary Ecological Appraisal Report dated March 2020) in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The approved bat and bird boxes shall be retained thereafter.
11. No development (other than site clearance) shall take place until full details of the surface water drainage scheme for the site, based on the approved Drainage Strategy Statement Kettering Business Park Plot 1 Kettering ref 4072/DSS/DAE/PAW/11.03.2020 rev C dated 21st August 2020 prepared by ROC Consulting, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the building being brought into use. These shall include:
 - a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
 - b) Cross sections of all control chambers (including site specific levels mAOD) and
 - c) Infiltration test results to BRE365.
 - d) Details of proposed overland flood flow routes in the event of system exceedance or failure (to include depth volume and direction), with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites
 - e) Detailed scheme for the ownership and maintenance for every element of the surface water drainage system.
12. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Drainage Strategy Statement Kettering Business Park Plot 1 Kettering ref 4072/DSS/DAE/PAW/11.03.2020 rev C dated 21st August 2020 prepared by ROC Consulting has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:
 - a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV confirmation that the system is free from defects, damage and foreign objects.
13. No development shall take place until details have been submitted which show the location and provision of two fire hydrants to serve the development. These details shall be submitted alongside the details for surface water drainage required by condition 11. The approved fire hydrants shall be provided at the same time as the surface water drainage is installed and prior to the building being brought into use.
14. Notwithstanding the details submitted with the application, prior to the erection of any fencing and the building being brought into use, full details of all fencing (including plans and elevations) shall be submitted to and approved in writing by the local

planning authority. In accordance with the recommendations set out in the Preliminary Ecological Report (Ref 19-2485 version 2 by Lockhart Garrett dated March 2020), the fencing shall incorporate suitable openings to enable small mammals to move into and out of the fence. No other fencing shall be erected other than that approved.

15. Prior the erection of any external lighting and/or CCTV, full details including locations shown on plans and elevations, site coverage and luminance details shall have been submitted to and approved in writing by the local planning authority. Thereafter, no external lighting or CCTV shall be erected unless in complete accordance with the approved details.
16. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
17. The approved landscape scheme shown on drawing AL(0)017 Revision P4 received on 25 August 2020 (including the notes attached to that drawing), shall be carried out in full in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved landscaping shall be managed in accordance with the notes attached to the approved drawing.

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

(Voting: For Unanimous)

The application was therefore
APPROVED

20.PC.59.3 KET/2020/0580

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.6 Full Application: Single storey side and rear extension to replace conservatory and garage at 82 Pytchley Road, Kettering for Mr M Osbourne</p> <p>Application No: KET/2020/0580</p> <p><u>Speaker:</u></p> <p>Paul Brogan attended the meeting and addressed the committee as a third party objector to the proposed development and stated that the applicant would have a detrimental impact on neighbouring properties due to the overshadowing and overdevelopment.</p>	<p>Members received a report which sought full planning permission for the erection of a single storey side and rear wrap-around extension with 3 no. rooflights in the proposed rear roof plane.</p> <p>The Planning Officer addressed the committee and provided an update which stated that comments had been received from the respective Ward Councillor for the application ward (St. Michaels and Wicksteed) on 19/10/2020 advising that they fully supported the objections made by No. 80 Pytchley Road.</p> <p>Members raised concerns regarding the detrimental impact the proposed development would have due to the loss of amenity for neighbouring properties.</p> <p>Following debate it was proposed by Councillor Edwards and seconded by Councillor Thurland that the application be REFUSED contrary to the officers recommendation due to the loss of amenity, overshadowing and overbearing nature of the development, however the motion fell following a vote.</p> <p>it was then proposed by Councillor Rowley and seconded by Councillor Adams that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The 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.
3. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed in the table below.

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, alterations or extensions permitted by Schedule 2, Part 1 Classes A, B and C shall be made in the west elevation or roof plane of the building of the building hereby permitted.

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

(Voting: For: 5, Against 3)

The application was therefore
APPROVED

20.PC.59.4 KET/2020/0214

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Approval of Reserved Matters (EIA): All details in respect of KET/2015/0967 for 167 dwellings at Hanwood Park (Parcel R20), Barton Road (land off), Kettering for Miss E Connolly, Bellway Homes</p> <p>Application No: KET/2020/0214</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought reserved matters approval for 167 dwellings of which 20% (34 units) were affordable in accordance with the outline planning permission.</p> <p>Members raised questions regarding the dimensions associated with the garages of the dwellings and also raised concerns regarding sustainability and parking provisions across the development</p> <p>Following debate it was proposed by Councillor Rowley and seconded by Councillor Dearing that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
2. The development shall be carried out in accordance with approved 'Construction Management Plan' dated March 2020 compiled by Bellway and adhered to for the duration of the construction.
3. The development shall not be carried out other than in accordance with the approved drainage information located within:
 - 1) Drawing JKK8714_SK01 rev P05 entitled Drainage Strategy dated 13th August 2020 prepared by RPS.
 - 2) MicroDrainage Files JKK8714 R20 v3.0.mdx dated 13th August 2020
 - 3) Drawing JKK8714_SK04 rev P01 entitled Catchment Plan dated 13th August 2020 prepared by RPS.
4. No works shall take place above slab level until full details of all windows, doors (including their surrounds), verge detailing, porches, rainwater goods and chimneys have been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out other than in accordance with the approved details.
5. The external stone/brick walls associated with the dwellinghouses, garages and boundary walls hereby approved shall not be laid, coursed or pointed other than in accordance with sample panels which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. In addition, a plan showing the proposed distribution of the Stone Dwellings shall also be provided to and approved in writing

(Planning No. 10)

by the local planning authority. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.

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

(Voting: For: 7, Against 1)

The application was therefore
APPROVED

20.PC.59.5 KET/2020/0291

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Full Application: Conversion of dwelling to create 2 no. flats with single storey rear extension at 44 Clarence Road, Kettering for Mr S Walker, Tingdene Estate Agents</p> <p>Application No: KET/2020/0291</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought Planning permission to covert the house into two separate one-bedroom flats. It was heard that No external changes were proposed to the front elevation. To the rear a small single storey extension was proposed to link the out-building to the out-rigger to provide bathroom facilities for the proposed ground-floor flat. The out-building would have been turned into two secure bicycle stores.</p> <p>Members noted that an additional plan (15-20-02 A) was provided to confirm that both potential flat occupiers could access the rear garden from Clarence Road and that the garden could have been divided to provide garden space for both proposed flats.</p> <p>Members raised concerns regarding the inadequate size of the first floor flat stating that it did not comply with space standards. Concerns were also raised in relation to parking and noise nuisance to neighbouring properties caused by kitchen facilities on the first floor.</p> <p>Following debate it was proposed by Councillor Thurland and seconded by Councillor Edwards that the application be REFUSED contrary to the officers recommendation due to the detrimental impact on amenity to neighbouring properties.</p> <p>It was agreed that the application be REFUSED for the following reasons:-</p>

1. The proposal to separate this single terraced house into 2 No flats has not demonstrated that it is possible to mitigate against adverse noise impacts on adjoining neighbours, nor within the property between each floor. It is therefore, considered that the proposal would not safeguard residential amenity especially for existing neighbouring residents. The proposal is therefore contrary to Policy 8 e (i) of the North Northamptonshire Joint Core Strategy
2. The proposal is also considered inadequate in regards to internal space standards for two separate flats to the detriment of the living conditions for occupiers, contrary to Policy 30b of the North Northamptonshire Joint Core Strategy.

(Planning No. 12)

Members voted on the motion to REFUSE the application)

(Voting: For: 6, Against 2)

The application was therefore
REFUSED

20.PC.59.4 KET/2020/0442

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.5 Full Application: First floor side extension at 17 Deeble Road, Kettering for Mr H Singh</p> <p>Application No: KET/2020/0442</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought full planning permission for the erection of a first floor side extension.</p> <p>Members hears that the officer contacted the agent during the application process to advise that any guttering must be kept wholly within the boundary of the application site. As such, the agent submitted an amended scheme presenting a 'box' type gutter which would be set within the proposed roof to avoid any guttering overhanging neighbouring land. This solution was considered acceptable and a re-consultation was undertaken.</p> <p>Members agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>it was proposed by Councillor Rowley and seconded by Councillor Mitchell that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The 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.
3. The development hereby permitted shall not be carried out other than in accordance with the amended plan number P002B received by the Local Planning Authority on 09/09/2020.
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, alterations or extensions permitted by Schedule 2, Part 1 Classes A, B and C shall be made in the west elevation or roof plane of the building of the building hereby permitted.

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

(Voting: For: Unanimous)

The application was therefore
APPROVED

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

(The meeting started at 6.00 pm and ended at 8.32 pm)

Signed.....

Chair

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Tuesday, 1 December, 2020

No. 6 Planning Application Reports

6.1	KET/2020/0035	KEK	Hill Street (land at), Kettering Full Application: 12 no. dwellings with associated landscaping and access Expiry date: 06-November-2020	1
6.2	KET/2020/0216	SBE	The Yard, Northfield Avenue, Kettering Full Application: Erection of residential block comprising of 25 flats with parking and associated works Expiry date: 18-December-2020	25

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

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

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 01/12/2020	Item No: 6.1
Report Originator		Application No: KET/2020/0035
Wards Affected	Northfield	
Location	Hill Street (land at), Kettering	
Proposal	Full Application: 12 no. dwellings with associated landscaping and access	
Applicant	Ms S Feely, Elm Park Homes Ltd	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

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

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

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

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

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

4. Notwithstanding the submitted details, no development above ground floor slab level shall take place on site, until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority; the submitted scheme shall not include the provision of any closed-board fencing visible within the front garden/access areas to the north of the plots as set out on approved site layout plan. The scheme shall include solid rear garden boundary treatments of at least 1.8m in height. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

5. No development above ground floor slab level shall take place until details of the materials to be used for hard paved surfacing and drainage have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining dwellinghouses are first occupied, in accordance with the approved details.

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

6. Prior to first occupation of the development a scheme of soft 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 approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

7. Notwithstanding submitted details, prior to the commencement of development on site a scheme for achieving noise attenuation to the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and thereafter maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No construction shall take place on site until plan(s)/cross sections prepared to a scale of not less than 1:500 showing details of existing ground levels and proposed ground and finished floor levels both within the site and to show the relative levels of the ground and buildings heights existing on adjacent land, including at Carlton Street, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interest of amenity for the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. Prior to occupation a detailed scheme of external illumination within the shared access road and parking area within the application site shall be submitted to and approved in writing by the Local Planning Authority. Development shall not proceed other than in accordance with the approved details.

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

10. No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

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

12. In the event that the access, common areas including parking are not presented to the LHA/ LA for adoption, the management/ maintenance of these areas shall be undertaken in accordance with proposals first submitted to and approved by the LPA. Proposals shall make clear the body or company who are to look after these areas through an approved Legal set up of a management company document and also make clear the means by which concerns raised by residents are to be addressed.

REASON: In the interest of highway safety and to ensure the areas concerned are to be managed and maintained, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

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

14. The parking areas hereby approved shall be provided as set out on approved site layout plan and be fully accessible prior to the first occupation of the dwellings hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

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

15. Prior to first occupation of any properties bin stores and collection points that shall accord with details first submitted to and approved by the LPA, shall have been provided for each dwelling. Bins shall not be left within the collection points on any day other than collection day.

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

16. Prior to the commencement of the development hereby permitted a CTMP (Construction and Traffic Management Plan), shall be submitted to and be approved in writing by the local planning authority. Thereafter development shall not proceed other than in accordance with approved details: The Plan is to include the following elements:

- a. Detailed work programme / timetable.
- b. Proposed hours for operation including HGV and other vehicles delivery.
- c. Detailed routeing for demolition, excavation, construction and abnormal loads.
- d. Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.
- e. Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
- f. Breakdown of number, type, size and weight of vehicles over demolition & construction period.
- g. Details of debris management including location of wheel wash, programme to control debris spill and prevent mud onto the highway, to also include sheeting/sealing of vehicles and dust suppression/ management.
- h. Details of public impact and protection, signage, barriers and remediation.
- i. name, contact details for public consultation/liaison.
- j. Route details as required
- k. Details of any temporary construction accesses and their remediation post project.
- l. Provision for emergency vehicles.

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

17. The development shall be carried out in accordance with the submitted flood risk assessment (ref 3700 Rev 2 Dated September 2020, compiled by Scott Hughes) and the following mitigation measures it details:

- (i) Finished floor levels shall be set no lower than 69.750 metres above Ordnance Datum (AOD).
- (ii) There shall be no increase in ground levels of the car park area which is shown in appendix A - Site Layout drawing.
- (iii) The car park area must include bollards or fencing, which can withstand the weight of vehicles, up to the predicted 1% plus climate change flood height, and suitable signage installed to advise users of the risk of flooding.
- (iv) These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants. To ensure that areas within flood zone 3 are allowed to flood and not increase flood risk to others. As the car park is located within an area which has a potential flood depth of approximately 1m, the area needs to include suitable bollards to prevent vehicles from being displaced.

18. Before any above ground works commence at the site, full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy ref 3700-SHD-00-ZZ-RP-C-0001 rev 2 dated 8th September 2020 prepared by Scott Hughs will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures and soakaways (if required).
- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which demonstrate no surcharging for the 1 in 1 year storm, no flooding for the 1 in 30 year storm and any flooding for the 1 in 100 year plus climate change storm event is within areas safe to flood.
- iii) Cross sections of control chambers and manufacturers hydraulic curves for the control device.

REASON: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

19. No development shall take place on site until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required

REASON: To ensure the future maintenance of drainage systems associated with the development and to comply with Policy 5 of the Core Strategy for North Northamptonshire

20. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment and Drainage Strategy ref 3700-SHD-00-ZZ-RP-C-0001 rev 2 dated 8th September 2020 prepared by Scott Hughs has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority.

The details shall include:

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

REASON: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site and to ensure compliance with Policy 5 of the North Northamptonshire Joint Core Strategy

21. Any proposed lighting shall not occur unless proposals that take measures to safeguard wildlife using the Slade Brook corridor have been first submitted to and approved by the LPA. Proposed lighting on the parking area shall be hooded so as not to illuminate the watercourse along Slade Brook corridor. The lighting proposals should not illuminate areas where bats which are likely to commute along the Slade Brook corridor. Any lighting at the plots adjacent the western perimeter site boundary of the development should be directional and operate on sensors so they are only on when necessary. the watercourse.
REASON: To control light pollution and its effect on wildlife including bats and in recognition of Policy 4 of the North Northamptonshire Joint Core Strategy.

22. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a statement demonstrating how the scrub will be removed sensitively, and avoiding bird nesting season and reptile hibernation season and once the scrub has been removed a check for badgers should be done to confirm they are not using the site.
REASON: In the interests ensuring that the proper steps are undertaken and in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

23. Prior to commencement of works on site, a landscape and ecological management plan (LEMP) shall be agreed in writing with the Local Planning Authority. The agreed details shall be implemented as approved before first occupation of the development and be retained thereafter. The content of the LEMP shall include the following:

- (i) Description and evaluation of features to be managed (a suite of bird boxes should be provided to mitigate the loss of trees and scrub; bat boxes should also be provided as outlined in the ecological survey report. Ideally these would be integral bat/bird bricks, which do not require maintenance once installed. Fences should include holes to allow the movement of hedgehogs which are likely using the site; these should be indicated on the boundary plan).
- (ii) Ecological trends and constraints on site that might influence management.
- (iii) Aims and objectives of management.
- (iv) Appropriate management options for achieving aims and objectives.
- (v) Prescriptions for management actions.
- (vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (vii) Details of the body or organization responsible for implementation of the plan.
- (viii) Ongoing monitoring and remedial measures.

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

REASON: To ensure that the development makes a contribution towards a net gain in biodiversity across the plan period, in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

24. All rear facing roof lights shall be fitted so as to be above eye level taken from the floor level at the second floor, in accordance with a section first submitted to and approved by the LPA prior to insertion of such windows.

REASON: In the interest of residential amenity in accordance with Policy 8 of the North Northants JCS

Officers Report for KET/2020/0035

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

3.0 Information

Relevant Planning History

KET/2020/0033: Variation of conditions 2, 4, 12, 13, 15 and 16 of KET/2018/0408 in respect of approved plans. Approved 08/04/2020.

KET/2018/0408: Variation of condition 2 of KET/2017/0256 in respect of approved plans. Approved 06/11/2018.

KET/2017/0256: 8 no. town houses with associated roads, sewers and parking. Approved 21/07/2017.

KET/2016/0833: Development of 9 no. dwellings with associated roads and drainage. Withdrawn 13/01/2017.

KET/2007/0230: Erection of 4 flats and 3 houses (revised scheme). Approved 18/06/2007.

KET/2006/0445: Construction of 4 flats in lieu of 2 houses at plots 4 and 5. Approved 03/07/2006.

KET/2005/0151: Construction of 8 no. dwellings. Approved 12/05/2005.

KET/02/0774: Outline for residential development. Approved 22/05/2003.

Site Visit

Officer's site inspection was carried out.

Site Description

The application site is located in the central west of Kettering within the designated town boundary. The site sits to the east of Northfield Avenue is separated from the road by the Slade Brook.

It is characterised as an open space somewhat unkempt and apparently disused. Though identified in policy as part of a larger area of open space (see below) its loss as open space is weighed (see principle of development)

The main access is via adjacent land at the northern boundary of the site. This adjacent land is not developed but has had permission to erect 8 No. townhouses (a S73 permission was granted under reference KET/2020/0033) The permission for this adjoining site is relevant in considering the current application as explained later in this report.

On Hill Street, to the north of this adjoining land, is a two and a half storey block of apartments alongside a row of two storey terraced dwellings which face south.

At or towards the west edge of the application site is the boundary of a flood risk zone (shown by dashed lines on the proposed layout plan)

To the east of the site is the back of a row of two storey terraced properties along Carlton Street which runs north to south alongside the application site. These gardens are set at a significantly higher land level than the application site. Generally, the gradient increases across the site in an easterly direction.

To the west is Northfield Avenue followed by Belgrave Retail Park. A pedestrian access is also available to Northfield Avenue over the Slade Brook beyond the site boundary

To the south of the site is an area of land described for allotments and community gardens. From responses received some of the adjacent allotments on the private land beyond the application site are being used.

The allotments are accessed via a track leading from Railway Terrace.

The west and south boundary of the site is currently a dense and overgrown mix of shrub, bush and trees.

Proposed Development

Planning permission is sought for residential development of 12 no. dwellings comprising 1 no. x 2-bed and 11 no. x 3-bed units (of 2 or 2.5 storey)

As stated above, the means of vehicular access is via adjacent land at the northern boundary of the site

A layout revision dated 05/10/20 showed changes that dealt with comments from consultees including Highways and the Police design out crime advisor, see below. Further minor revision attended to the need to avoid a long rear alley to Plot 15.

An approved layout for 8 No. townhouses (Ref: KET/2020/0033, a S73 application) for the land to the north of the application site (an area for side access/ amenity for one of the plots) would have been reduced by the proposals under KET/2020/0085. Consequently, revisions to the proposed layout dated 18/11/20 attend to that.

Accommodation schedule of KET/2020/0035

House	Proposal Details - occupancy - bed room sizes - number of habitable rooms	Nationally Described Space Standard Room-size (sqm)	Proposed Internal Space (sqm)	Nationally Described Space Standard (sqm)	Spatial standard satisfaction comments
House 9 (2-storey)	2b/3p	7.5 (single bed)	73.30	70	Complies

<i>Block 9, 10 & 11: 15.56m WIDE x 8.47m DEEP x 4.92 (eaves)/8.04 (ridge) & 5.87m (eaves)/10.17m (ridge) HIGH</i>	14.87sqm & 10.38sqm 4hbrm	11.5 (double bed)			
House 10 (2.5-storey)	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	7.5 (single bed) 11.5 (double bed)	103.77	99	Complies
House 11 (2.5-storey)	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	7.5 (single bed) 11.5 (double bed)	103.77	99	Complies
House 12 (2.5-storey) Block 12 & 13: 10.42m WIDE x 8.32m DEEP x 5.8m eaves)/10.27m (ridge) HIGH	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	11.5 (double bed) 7.5 (single bed)	103.77	99	Complies
House 13 (2.5-storey)	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	11.5 (double bed) 7.5 (single bed)	103.77	99	Complies
House 14 (2.5-storey) Block 14, 15 & 16: 15.45m WIDE x 8.17m	3b/4p 14.37sqm, 10.15sqm	11.5 (double bed)	103.77	99	Complies

DEEP x 5.8m (eaves)/10.19m (ridge) HIGH	& 10.38sqm 5hbrm	7.5 (single bed)			
House 15	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	11.5 (double bed) 7.5 (single bed)	103.77	99	Complies
House 16	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	11.5 (double bed) 7.5 (single bed)	103.77	99	Complies
House 17 (2.5-storey) Block 17 & 18: 10.42m WIDE x 8.13m DEEP x 5.86m (eaves)/ 9.85m (ridge) HIGH	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	11.5 (double bed) 7.5 (single bed)	103.77	99	Complies
House 18	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	11.5 (double bed) 7.5 (single bed)	103.77	99	Complies
House 19 Block 19 & 20: 10.42m WIDE x 8.13m DEEP x 5.86m (eaves)/ 9.85m (ridge) HIGH	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	11.5 (double bed) 7.5 (single bed)	103.77	99	Complies

House 20	3b/4p 14.37sqm, 10.15sqm & 10.38sqm 5hbrm	11.5 (double bed) 7.5 (single bed)	103.77	99	Complies

Table: 1

Any Constraints Affecting the Site

Flood Plain

Open space

Nene Valley NIA Boundary

4.0 Consultation and Customer Impact

Environment Agency (final comment; 28/09/2020)

We have reviewed the submitted Flood Risk Assessment, (ref 3700 Rev 2 Dated September 2020, compiled by Scott Hughes and recommend that the suggested conditions be included on any planning approval.

Environment Agency (initial comment; 28/02/2020)

In the absence of a flood risk assessment (FRA), had initially objected to this application regarding this site located within Flood Zone 3 and 2.

NCC Surface Water Drainage (25/09/2020)

Having reviewed the submitted surface water drainage information located within Flood Risk Assessment and Drainage Strategy ref 3700-SHD-00-ZZ-RP-C-0001 rev 2 dated 8th September 2020 prepared by Scott Hughes. advise that planning conditions are included in any approval.

NCC Highways Authority; KET/2020/0035 Revision D)

No Objections subject to the suggested conditions.

1. Drawing 200-001-D details vehicle tracking. It is understood from the supplied information from the KBC Waste & Amenities team that a 3-axle refuse vehicle will operate in this area. Tracking of this refuse vehicle opposed by a large car and tracking of two large cars opposing each other for the length of the road appears reasonable.

2. It is noted plot 14's private drive does not meet the public highway (adoptable shared surface) at right angles, due to the constraints from the flood zone

impacts/building orientation. The drive has been proposed to be widened to 4.5m to maximise vehicle access/egress capabilities. The LPA are requested to satisfy themselves as regards the nature of this private drive.

The LPA are requested to satisfy themselves as regards the nature of the private drive for plot 14 as detailed above and the number of visitor parking spaces as has been outlined in prior responses.

Ecology Officer (19/08/2020)

I note that the visitor parking area has been moved to the south and a turning head is now in that location. I appreciate the highway considerations but in my view the new layout offers even more potential for pollutants to enter Slade Brook which is used by water voles. I have reviewed the FRA report which mentions that silt will be trapped and prevented from entering the watercourse; it is not clear however whether the proposed drainage would also attenuate heavy metals, oil and other pollutants associated with vehicles at low speed. I would welcome some assurance in this regard.

Ecology Officer (2/03/2020)

I am writing in response to your consultation on the above application for 12 dwellings on land at Hill Street Kettering. I'm concerned about the proximity of the visitor parking area to the Slade Brook, and the potential for pollutants to enter the waterway. Water voles have been recorded on this stretch of the Slade in recent years, so I would not want the development to create a conduit for oil, heavy metals, particulates and other pollutants. My other concern relates to the trees, and that the site plan does not indicate what trees are to be felled, retained or replaced. Despite these concerns, if the council is minded to approve the application then suggested conditions were recommended.

NCC Key Services (13/08/2020)

We have reviewed the amended plans on behalf of Northamptonshire County Council Key Services (Education, Libraries, Broadband) and on behalf of Northamptonshire Fire and Rescue Service and have no further comments to make at this stage.

NCC Key Services (25/02/2020)

I am responding on behalf of Northamptonshire County Council key services (Education, Libraries and Broadband) and on behalf of Northamptonshire Fire & Rescue Service (NFRS) on which this development would have an impact. Other County Council service areas may respond separately.

Education

Based on the proposed dwelling mix, it is expected that the proposed development will generate a pupil yield of approximately 4 Nursery / Pre-school pupils, 4 Primary School pupils and 3 Secondary and Sixth Form School pupils based on our adopted pupil generation multipliers.

Early years Services

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per Unit	£0	£3,724	£3,972	£4,220

A S106 contribution of £47,416 is asked for towards provision of additional Early Years capacity based on the proposed dwelling mix provided.

Primary Education

In terms of Primary Education, there are a number of schools within the vicinity of the site which would potentially serve the development. However as at December 2019 these were all operating at above 95%, above the Department for Education's recommended capacity thresholds and with current forecasts indicating continued high levels of demand for places based on birth rate and three-year trend data alone.

The current Department for Education cost multipliers for Primary Education are:

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per Unit	£0	£1,614	£3,972	£4,592

A Primary Education contribution of £45,306 is asked for, based on the proposed dwelling mix.

Secondary Education

With regards to Secondary Education, there are a number of schools within the vicinity of the site which would potentially serve the development. However, as with Primary, these are all operating at above 97% capacity as at December 2019, above the recommended Department for Education's recommended capacity thresholds and with forecasts indicating an increase in demand for places based on birth rate and three-year trend data alone.

The current Department for Education cost multipliers for Secondary Education are included below:

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per Unit	£0	£1,170	£4,600	£5,941

A s106 contribution towards Secondary Education of £51,770 is asked for based on the proposed mix;

Fire Hydrants & Sprinklers

An assessment of the site will need to be undertaken by the Water Officer of Northamptonshire Fire and Rescue Service in order to establish the precise requirement. It is expected however that this development may require a minimum of **1 x fire hydrant** to be provided and installed.

The final location of any fire hydrants and/or sprinkler systems for the new development to be agreed in consultation with the Northamptonshire Fire and

Rescue Service Water Officer prior to installation and secured through a planning condition. A standard condition for securing fire hydrants and sprinkler systems was suggested in case of approval.

Libraries .

The following outlines the cost per dwelling type based on the expected numbers of residents for each type of unit:

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per unit	£109	£176	£239	£270

A Libraries Contribution of £2,805 is therefore asked for, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development.

Broadband

In order for the commercial communications market to be able to deploy to these new build areas, measures must be introduced at the earliest opportunity. This will provide the required specification to enable full fibre connectivity for all new developments.

Anglian Water (30/07/2020)

The developer is still not looking to connect surface water sewerage into Anglian Water's network, therefore our comments from planning application PLN-0078143 still stands.

Anglian Water (28/02/2020)

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Other relevant advice from Anglian Water is provided as informative which the applicant has access to.

Northamptonshire Police (crime prevention design advice)(30/07/2020)

had the following comments to make.

- Overlooking of parking area to provide natural surveillance;
- Avoid rear car parking area;
- Benefits of a lighting scheme
- Rear access to and from plot 20 is long and doglegged. This should be addressed. Any rear access alleyways should be straight, as short as possible and gated at the opening of the alleyway;
- Internal fence panels should be 1.8m high for the length of the garden.
- All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products

Fire Protection Officer (29/07/2020)

We have no further comment to make.

(see also comments received through County Council)

NHS (25/02/0035)

The Clinical Commissioning Group (CCG) can confirm there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the proposed new housing development for land at Hill Street, Kettering, Northamptonshire.

The Practice (s) in closest proximity to the proposed development is/are Weavers, Eskdale & Dryland; the additional consultation hours require clinical space in which they will be delivered.

Based on the number of dwellings proposed Northamptonshire CCGs/NHSE&I are requesting a contribution from the developer of £2,715.52.

Environmental Protection Officer (20/02/2020)

I have reviewed the application above and request the following:

XCD2 Working hours for construction

XCD4 Construction Method Statement

XCL4 Contaminated land — unexpected contamination

IEH1 Radon

IEH5 Acoustic separation (all domestic dwellings) informative

I accept the details submitted in the noise assessment and noise assessment addendum report by WBM Acoustic Consultants as long as the recommendations in these reports are carried out.

Neighbours

Representations received from 6 addresses (3 representing owners/controllers of allotments at end of track from Railway Terrace)

Issues raised

(i) Notifications need to be sent to out to land owners in Railway View and that there is a turning head at the north-end of Railway View;

(ii) Increase in traffic causing further damage to the road which has been poorly maintained; many cars will be using Hill St/ only one way to drive to this site so construction traffic will affect all parking spaces on that area/ parking spaces limited on Hill St/ Carlton St; restrict delivery times to when people gone to work.

(iii) Parking should only be on one side of Hill Street and on the corners of Carlton Street to improve highway safety;

(iv) The plans show their plot 19 and parking are set on a shared roadway, co-owned by the allotment holders and is our right of way;

(Officer Comment; the development if approved does not change the rights of those with a legal interest in part of the subject land).

(v) Site has high ground water level. Construction will cause further water problems due to less surface area for the water to dissipate and the higher foundation levels which the construction will need.

(vi) Regarding noise assessment, I keep poultry on my plot which can be heard at times as well as occasional running of a chainsaw, generator and a two stroke water pump for irrigation at times. I don't think this has been taken into account. I'm being open, any new residents would be living next door to working allotments, just in case at any time in the future issues regarding noise are raised. This land has been used as small holdings for over one hundred years and is still in use.

(Comment: Noted).

(vii) This is another greenspace/habitat loss for a lot of wildlife/in the centre of Kettering as well as trees.

(viii) If any of the application gets the go ahead we would need secure fencing erected to maintain the security of the allotments before work starts.

(ix) "I have ongoing concerns over the drainage strategy. We have a flood defence wall running along the west boundary where they plan to run the surface water pipe into the Slade Brook and worried about any undermining or damage to the flood wall that may occur. Also there is a possibility of the Slade Brook back filling into the geo-cellular storage due to its depth as described below. In summer, the brook water level runs about 150mm high and in winter runs up to 950mm and higher in flood or after heavy rainfall, the bank height is about 1300mm (bottom of the flood defence wall). The top of geo- cellular storage is proposed to be set 600mm below ground level, the ground water level is very high in this area in winter making this storm water storage fifty percent full with the ground water reducing its capacity. So far there's been no information about means of enclosure to secure the area and think this is relevant. Again the highway and parking plans seem to cut through the lane/railway view".

5.0 Planning Policy

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in favour of Sustainable Development

Policy 4: Biodiversity and Geodiversity

Policy 5: Water environment, resources and flood risk management

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

Policy 7: Community Services and Facilities

Policy 8: North Northamptonshire Place Shaping Principles Policy 11: Network of Urban and Rural Areas

Policy 10: Provision of Infrastructure

Policy 28: Housing requirements

Policy 29: Distribution of new homes

Policy 30: Housing Mix and Tenure

Saved Policies in the Local Plan for Kettering Borough

Policy 35: Housing with Towns

Emerging Policy:

Site Specific Part 2 Local Plan – This Local Plan has been through its Main Modifications with the Examination in Public to the Main Modifications held in October 2020. Adoption is anticipated to be in early 2021.

6.0 Financial/Resource Implications

The reasons why no S106 contributions are being sought:

Despite the request by some consultees for S106 contributions, the proposal for 12 dwellings is a threshold that is judged would not be justified under Policy 10 of the JCS as requiring s106 money. The National Planning Practice Guidance (MPPG) provides an indication that contributions should not be sought from developments of 10 or less. The point at which contributions are sought has therefore been considered in proportion to the scale of what is proposed.

The current application is separate from the adjacent site's approval which dates back to 2017.

7.0 Climate Change Implications

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

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

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety
5. Impact of possible ground contamination
6. Impact on flooding and drainage
7. Sustainable buildings
8. Other comments on issues

1. The principle of the development

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

The site is located within the Town's boundaries as defined by Saved Policy 35 of the Local Plan (LP), and also as defined in the emerging Site Specific Part 2 plan.

In the SSP2 though the site is shown as part of a larger area identified as Open Space on the policies map which also shows a Borough Level Green

Infrastructure corridor. The open spaces shown on the policies map are from the Open Space Audit and Needs Assessment (March 2020), which shows an area of allotments.

However, as explained above, land to the north of the current application site has an extant permission for 8 No. dwellings. Furthermore, street view records and aerial photography show the site (from Hill Street) to have been fenced off, overgrown and appeared disused for some time.

More recent site inspection suggest that the application site itself has not attracted much interest as private open space.

Policy 7 of the JCS seeks for development to not result in the net loss of open space including allotments unless the facility is surplus to requirement (Policy 7 d(i)). It is recognised that adjacent to the site, there are some allotment holders but the apparent under use on the application site points to it being surplus to demand which is directed at other locations.

Although the scheme will result in a loss of open space within the area, with the application site remaining vacant and unused for a lengthy period it is judged that the loss would not represent a sustainable reason to resist the development in terms of the emerging Part 2 plan.

As such the broadest principles of developing the site for housing are consistent with the strategic aims of LP policy 35 and Policies 11 and 29 of the JCS which guides development to Growth Towns in the interests of a sustainable pattern growth and the protection of the rural areas. This Development Plan approach is consistent with the National Planning Policy Framework (NPPF) for seeking the right development in the right places.

As such the principle of developing the site is considered to be acceptable subject to the proposal being found acceptable in all other respects. These other material considerations are discussed below.

2. Impact on the character and appearance of the area

The JCS at policy 8 describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area. The government at chapter 12 of the NPPF says it attaches importance to the design of the built environment. It goes on to advise that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. JCS Policy 8(d)(i) urges developments to create local character by responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation.

The local area is predominately characterised by two storey terraced properties which are likely Victorian. The front elevations were likely to originally have been brick but over the course of time a significant number have been rendered or painted and there is now a varied finish within the street scene. The dwellings are set directly onto the footpath with rectangular gardens to the rear.

The block of flats 'Madison Apartments' which is further north on the opposite side of Hill Street, differs in style to the surrounding streets. The block of flats are 2 ½ stories (with half dormers), garages at ground floor level and visually address both Hill Street and Northfield Avenue. It is noted that the end terrace properties on both corners of the junction of Hill Street and Carlton Street (No's.85 and 90 Carlton Street) both have gable ends facing onto Hill Street with 2 full height storeys with a window in the gable roof.

The proposed scheme incorporates 12 dwellings set within 5 blocks. Plots 9, 10 & 11 form a terrace and situated to the southeast part of the site.

Plots 12 and 13 are semi-detached dwellings located to the west of the access/spine road.

Plots 14, 15 and 16 form a terrace and is situated to the north of the turning head.

Plots 17 and 18 are semi-detached located to the south of the access/spine road.

Plots 19 and 20 are semi-detached located to the southwest part of the site

The layout of the houses provide for active frontages to the access road.

The visual impact of the dwellings of upto-2.5 storeys would be mitigated by lower land levels compared to those existing dwellings on Carlton Street

A number of details would be conditioned, including ground and finished floor levels relative to existing dwellings/surrounding land; and areas of boundary planting or fences, provision of fire hydrants

Subject to attached conditions, it is therefore considered that the proposal will not have a detrimental impact on the character and appearance of the local area and as such is in accordance with Policy 8 of the JCS.

3. Impact on residential amenity

The JCS at policy 8(e)(i) details policy relating to the protection of amenity of neighbouring occupiers.

The principal existing residential properties affected are to the rear of Carlton Street

The application site is located in a densely populated residential area close to Kettering Town Centre. The site, Plots 9, 10 and 11 will have a close relationship with properties to the north and east. Plot 9 is a 2 storey unit with a ridge height of 8.04m. The flank elevation will be approximately perpendicular 9m from the rear elevation of dwelling fronting Carlton Street.

It is acknowledged that Plot 9 would potentially have visual impact and cause some loss of light later in the day in regard to the rear elevations and garden land of dwellings fronting Carlton Street. However, considering the topography of the

site, with Plot 9 sitting at a lower ground level (compared to Carlton Street) and, the 2-storey in height of Plot 9, the proposal is not considered to create a relationship that is out of character in this densely populated area or to a level that would warrant refusal of permission. The rear windows of Plot 9 faces south onto its private garden land. A potential/future side window at Plot 9 would be likely to cause some loss of privacy to the rear gardens along Carlton Road; but, there are no windows proposed within the side elevation of Plot 9 and with a recommendation to remove permitted development rights the relationship of plot 9 to the existing property has been considered, in the interest of the latter's residential amenity.

When considering the change in land levels, the separation distance and angles of visibility the relationship is considered to be acceptable for this urban environment.

A condition is recommended relating to ground levels and finished floor levels.

Plots 12/13, 14/15/16, 17/18 and 19/20 are remoter from existing surrounding dwellings, but the revisions culminating in the layout plan dated 18/11/20 has had to consider the relative impact between the rear of proposed Plots 12 and 13 to rear of proposed plot 16. The 12m separation at first floor faces a bathroom at the most direct angle.

Where there are rooflights in the rear roofs at a 2.5 storey these are for purposes of light and the applicant has confirmed these will be inserted above eye level

It is acknowledged that the proposal may result in impacts such as limiting some views. Nevertheless, within this urban setting the proposals are not dissimilar to others that exist.

Appropriate conditions controlling permitted development rights are included

The application proposes sufficient outside and inside space for future occupiers. The dwellings are all (see Table 1) in accordance with Nationally Described Space Standard noted in Policy 30 of the JCS.

4. Impact on highway safety and convenience

Policy 8 (b) of the JCS states that new development should not have an adverse impact on the highway network or prejudice highway safety. Technically the shared private drive will serve the houses and as such should meet the standards for an adoptable road (a private access road is limited to serving 5 dwellings). However, considering the layout of scheme and the number of units, providing the turning head and initial access into the site is provided to adoptable standard then it is not considered necessary to require that the remaining road be constructed to adoptable standards.

The local area mostly consists of on-street parking on reasonably narrow street with few restrictions. From visiting the area it is evident that there is pressure on on-street parking. The proposal provides on-plot car parking spaces and, there is adequate space within each curtilage to accommodate a cycle store (e.g. within

each private garden). The parking provision and layout are in accordance with NCC Highways guidance.

It is noted that a number of cars currently use the existing turning head off Hill Street as parking spaces. However, the turning head would not be available for such purpose were the site to be developed.

Considering the access and tight local street network, conditions have been recommended for a Construction and Traffic Management Plan to address practical construction and highway safety.

5. Impact of possible ground contamination

Policy 6 of the JCS seeks development to be safe in this respect. Any impacts arising as a result of possible ground contamination will be addressed through an appropriate condition.

6. Impact on flooding and drainage

Policy 5 of the JCS says development should contribute towards reducing the risk of flooding and the protection of the water environment. The site is located alongside the Slade Brook which is a defined Main River. The southwest corner of the site is located in a flood sensitive area; and a Flood Risk Assessment was submitted with report. Relevant representations by objectors is noted. However, NCC Surface Drainage Officer and Environment Agency find the proposals acceptable (subject to conditions).

According to the Council records some of the site is noted to have medium/low risk of groundwater flooding. The site is currently undeveloped and it is noted within the application form that the surface water would discharge into Slade Brook rather than via a Sustainable Drainage System (SuDS).

Policy 5 notes that development should be designed to incorporate SuDS wherever practice. Whilst mains drainage may be acceptable the first option should be to deal with the surface water onsite. As such an appropriately worded condition will be attached requiring details of the surface water drainage proposed.

7. Sustainable buildings

Policy 9 of the JCS seeks development to incorporate measures to ensure high standards of resource and energy efficiency. This matter is considered to be adequately dealt with through compliance of buildings regulations at the time of construction.

8. Other comments on issues:

Maintenance for common areas not within individual gardens

In the event that common areas of landscape and the parking courts were proposed to be maintained by a management company, the details of any such proposals would need to be agreed with the LPA. This will be conditioned

Noise attenuation measures:

Considering the site's proximity to Northfield Avenue, a condition is recommended the dwellings to satisfy suitable noise attenuation.

Bin storage

Each plot has a private garden space for the storage of bins and a condition has been recommended a bin storage details. The removal of rear alleyways behind the two proposed 3 terraced blocks addresses earlier concerns about these alleyways. Locations for the bin stores for plots 10 and 15 are suggested; details of these are also conditioned.

Police Crime Prevention Design Advice

The amended layout and conditions or informative address the concerns raised.

Ecology impacts

Following responses from the County advisor on ecology relevant measures are to be required to cover protection for wildlife along a part of the green space corridor as well as practical steps to ensure development proceeds sensitively in this regard.

Neighbour comments

The issues of limited existing parking on existing streets and the practicality for construction management traffic (CMTP) will be covered through the requirement to agree a relevant set of proposals in a CMTP

Conclusion

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

Background Papers

Title of Document:

Date:

Contact Officer:

Koko Ekanem, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

BOROUGH OF KETTERING

Committee	Full Planning Committee - 01/12/2020	Item No: 6.2
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2020/0216
Wards Affected	St. Michaels and Wicksteed	
Location	The Yard, Northfield Avenue, Kettering	
Proposal	Full Application: Erection of residential block comprising of 25 flats with parking and associated works	
Applicant	Mr Takhar	

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 a S.106 OBLIGATION being entered into, and to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and information detailed below.
REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
3. The noise mitigation measures (glazing and ventilation) outlined in the executive summary of the approved report BA NS265 dated 22/5/2019 by Blue Acoustics shall be carried out in full prior to the first occupation of the residential units hereby approved. Where the development is phased any residential units identified as providing a noise barrier for other units shall be completed first. Following completion, no alterations shall be made to the approved structure of the units including roof, doors, windows and external facades, layout of the units or noise barriers.
REASON: In the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
4. The development hereby permitted shall not be carried out other than in accordance with the approved Energy Statement, referenced 8090 Version 1, dated 17/05/2019 as compiled by EPD Group and retained in that form for the duration of the development.

REASON: In the interest of securing an appropriate form of energy efficient development in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

5. Work associated with the construction of the proposal shall only be carried out during the following times: Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

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

REASON: The details are required prior to commencement of development because the CMP needs to be in place and in force throughout the construction period and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

7. In accordance with the approved Technical Report - Walkover and Desk Study referenced M3350 dated May 2019 as compiled by Sub Surface Midlands Limited and unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts B to C have been complied with.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

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

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

REASON: Contaminated land remediation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy

8. Prior to the commencement of development hereby permitted, a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure shall be submitted to and approved in writing by the local planning authority. The fire hydrants, sprinkler system and associated infrastructure shall be installed and fully functional prior to first occupation and shall thereafter be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site for local fire and rescue service to tackle any property fire in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and is required prior to commencement as approval is fundamental to provision of an acceptable scheme.

NOTE: The developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure.

9. No earthworks or groundworks shall take place until a plan showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Finished Floor Levels are necessary to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Drainage and SuDS Design, The Yard Kettering ref 1795-C-R01 rev B dated 28th September 2020 prepared by Arcelle will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

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

ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which demonstrate no surcharging for the 1 in 1 year storm, no flooding for the 1 in 30 year storm and any flooding for the 1 in 100 year plus climate change storm event is within areas safe to flood. The critical storm duration for each element of the drainage network should be determined by considering a full range of summer and winter storm durations from 15 minutes up to the 10080 minute (7 day) duration

iii) Cross sections of control chambers and manufacturers hydraulic curves for the flow control device.

REASON: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

11. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme and provision of the 'Metal Visual and Privacy Screens' to the balconies shown on the approved plans has been fully implemented in accordance with the approved details.

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

12. Before any above ground works commence a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls.

Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required.

REASON: To ensure the future maintenance of drainage systems associated with the development in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

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

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

14. Prior to construction above slab level a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted shall be submitted to and approved by the Local Planning Authority. In addition, details of how the 'roof garden' and 'green wall' shall be maintained shall also be provided for approval. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

15. Prior to construction above slab level a detailed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained in that form thereafter.

REASON: In the interests of the amenity of occupants of neighbouring properties and future occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage and SuDS Design, The Yard Kettering ref 1795-C-R01 rev B dated 28th September 2020 prepared by Arcelle has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority.

The details shall include:

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

REASON: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

17. Prior to first occupation of the development hereby approved, refuse and cycle storage facilities and the Swift and Bat boxes shown on the approved plans and security arrangements stated at Section 5.7 of the approved Design and Access Statement shall be made available for use and operational. These facilities shall be retained at all times thereafter.

REASON: In the interest of public health, biodiversity enhancement highway safety and safeguarding residential amenity and in the interest of sustainable transport in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

18. The parking spaces together with the hatching (associated with the disabled spaces) and the Electric Vehicle facilities shown on the approved plans shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles and remain available.

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

19. The windows on the north-east elevation of the building hereby approved shall be glazed with obscured glass and thereafter shall be permanently retained in that form. In addition, the roof of the building (including the first floor 'roof garden') hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

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.

20. Any gates provided at the point of access to the site shall be hung so as to open inwards into the site only, provision of positive means of drainage provided at the site access to prevent surface water flow from the site draining onto the highway shall be provided and the vehicular gates shall be automated. The development shall be retained in those forms for thereafter.

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

Officers Report for KET/2020/0216

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the application requires an agreement under a Section 106 Agreement

3.0 Information

Relevant Planning History

KET/2019/0412 – Erection of six storey residential development comprising of 28 flats - Withdrawn

KET/2017/0475 - Change of use from builders' yard to car park with lighting – APPROVED – 20/10/2017 – Implemented

KET/2012/0801 - Renewal of KET/2009/0681 - APPROVED – 08/02/13

KET/2009/0681 - Outline permission for 9 no. residential units - APPROVED - 05/03/2010

KET/2005/0234 - Renewal of KE/00/805 Outline permission for housing - APPROVED - 09/05/2005

KE/00/0805 - Outline for Housing - APPROVED – 30/01/2001

KE/87/0735 - Builders merchants and builders' yard - APPROVED - 08/09/1987

Site Visit

Officer's site inspection was carried out on 17/11/2020

Site Description

The 0.13ha triangular site consists of an established 20-space private car park served off Northfield Avenue close to the Railway Station with residential property to the north and east. The small building on site appears to have been used for the sale of fireworks recently for a short period.

Proposed Development

The application seeks full planning permission for a 25 unit one- and two-bedroom apartment block arranged over five floors

Pre-application advice

Pre-application advice was given in late 2019 for a six storey 28-unit apartment block. The principle of the proposal was supported; however, the applicant was advised to reduce the overall height and mass of the proposed building to address character concerns and impact to neighbours.

Whilst the application was submitted with some regard to the pre-application advice given, further amendments were secured during the application, which notably included reducing the mass of the top floor by setting it in from the walls of the lower

floors and the addition of 'privacy screens' to the fourth floor balconies facing south-east.

The applicant has shown a willingness to engage and make changes throughout the planning process with the application coming before the Planning Committee for determination in a way that broadly accords with pre-application advice.

Any Constraints Affecting the Site

Access onto a classified C-Road

4.0 Consultation and Customer Impact

KBC – Environmental Protection: No objection subject to the imposition of a condition requiring the development to be carried out in accordance with the submitted Noise Report and a condition restricting construction working hours. In addition, provision of ground investigations, air quality survey, construction method statement and a refuse condition has been requested.

KBC – Strategic Housing: Make the following summarised comments:

- The proposal is not suitable for the provision of affordable housing on-site and therefore a commuted sum would be required
- The commuted sum required would normally be 40-50% of the value of the unit on the open market – this value would include land purchase
- The proposal should provide 30% affordable housing (or an equivalent commuted sum) unless otherwise reduced through a viability exercise

NCC – Local Highway Authority (LHA): Say that they 'require further information' with the following observations:

- Require clarification of the parking bay dimensions as this is not clear in the submitted plans – the development should meet parking standards and require 'hatching' of disabled spaces
- No gates should be erected within 5.5m of the highway boundary and shall be hung to open inward. If the gates are automated then this requirement could be waived, with the Local Planning Authority (LPA) to take a view.
- No vehicle splays are shown in the submission
- A positive means of drainage should be provided at the highway boundary to prevent site surface water from flowing onto the highway
- The site has under provision of 13 car park spaces, underprovides for future Electric Vehicles (EV) provisions by 30 and 1 disabled space – however given the sites sustainable location the LPA is required to take a view on this under provision

NCC – Ecology: Say that they '*cannot see any ecological constraints to the proposal*' however indicate that net biodiversity gain should be encouraged with the provision of swift and bat bricks suggested and secured by condition.

NCC – Development Management: Say that the following contributions should be secured:

- Library of £3,328
- Early years education of £33,516
- Primary Education of £14,526
- Provision of a fire hydrant and/or sprinkler system by condition

NCC – Lead Local Flood Authority: No objection subject to imposition of conditions requiring approval of full details of the surface water drainage scheme based on the submitted Drainage Design, details of its ownership and maintenance and a Verification Report for the installed drainage system.

Anglian Water: Provide the following summarised comments:

- There are Anglian Water assets at or close to the site – which the applicant should be made aware of
- Anglian Water are obligated to provide the proposals waste treatment facilities
- There is drainage capacity available
- The surface water disposal proposed does not relate to Anglian Water assets

Police – Crime Prevention Design Advisor: Provide the following summarised comments:

- Surveillance of the car park should be provided – including within the under-crofts
- Mail delivery should be provided on an external wall or within a secure lobby area
- There should be vandal resistant colour used as well as an audio-visual entry system to the gates and doors
- All door and windows should meet building regulations

NHS: Have requested £13,865.58 toward the cost of treatment/consulting rooms and the nearby Eskdail Medical Centre and Weavers Medical Centre.

Civic Society: Appear to be providing comments on behalf of third-party objectors at Cleaver Court, rather than in their professional capacity; summarised grounds:

- Overshadowing
- Overlooking
- Noise and disturbance nuisances toward retired persons

Neighbours: Three third party letters of objection received from occupiers of Cleaver Court; summarised grounds:

- Loss of light
- Loss of privacy
- Traffic generated will cause road safety issues in Northfield Avenue including toward pedestrians
- Adverse impact to residential amenity because of noise from the proposal including from associated cars and motorcycles
- Loss of view – of Trains
- The above impacts are exacerbated toward occupiers in Cleaver Court due to occupiers being retired

5.0 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

1. Presumption in favour of sustainable development
4. Biodiversity
5. Water environment, resources and flood risk management
6. Development on brownfield land and land affected by contamination
11. The network of urban and rural areas
12. Town centres and town centre uses
22. Delivering economic prosperity
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

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

35. Housing: Within Towns
- K6. Kettering: Environmental Improvement

Kettering Town Centre Area Action Plan (KTCAAP)

8. Parking
20. The Station Quarter
25. Implementation and phasing

6.0 Financial/Resource Implications

As the proposal relates to the provision of a 'major' development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 the application would be expected to provide community infrastructure contributions that off-sets its impacts. Such contributions will be secured in a Section 106 Agreement and will likely include contributions toward: libraries and education as required by Northamptonshire County Council and contributions toward primary healthcare as required by the NHS.

In addition, the proposal will also be expected to provide contributions toward Town Centre provisions outlined in the Kettering Town Centre Delivery Action Plan, affordable housing (commuted sum) together with provision of a 28 mega ride stagecoach ticket and a cycle voucher per residential unit.

These requirements may not be exhaustive and will be subject to negotiation if the Planning Committee are resolved to approve the application. Final wording of the Section 106 is recommended to be delegated to the Head of Service.

The application has been accompanied by a Letter expressing a willingness to provide the stated contributions.

7.0 Climate Change Implications

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

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

8.0 Planning Considerations

The key issues for consideration in this application are: -

1. The principle of the development
2. Impact on character and appearance
3. Impact on neighbour's residential amenity
4. Impact on future occupiers' residential amenity
5. Impact on highway safety (including loss of car parking)
6. Planning out crime and fire safety
7. Impact on biodiversity
8. Sustainable building implications
9. Impact on the water environment
10. Affordable housing and housing type and mix
11. Community infrastructure

1. The principle of the development

The site is located within Town boundaries defined by saved policy 35 of the Local Plan (LP). As such the proposal is consistent with JCS strategic policies 11 and 29, which seeks sustainable patterns of growth and protection of rural areas.

Due to the sites location within the Town Centre it is also necessary to test the 'in principle' acceptability of the proposal against Town Centre policies of the Development Plan. These policies are contained within the JCS and the KTCAAP.

Policy 12 of the JCS seeks to support town centre vitality and viability and, amongst other ways this is achieved in its part (a) by '*securing and maintaining a vibrant mix of retail, employment...and supporting the provision of additional residential uses on appropriate*'. This approach is consistent with Chapter 7 (para.85) of the NPPF which encourages a mix of uses, acknowledging the role that residential development can play, in Town Centres provided that the needs of town centre uses are not compromised.

Moreover, policy 6 of the JCS, consistent with chapter 11 (para. 118) of the NPPF encourages '*the reuse of suitable previously developed land and buildings within urban areas*' particularly where the development of under-utilised land is involved. Whilst the site is used as a car park it does not appear to be heavily utilised and was vacant for a significant number of years prior to that, which gives rise to its consideration as under-utilised land. Saved Policy K6 of the LP also seeks Environmental Improvements along this section of Northfield Avenue.

Kettering Town Centre Area Action Plan (KTCAAP) is also relevant and has a Plan period of 2011-2021. It is probable that many of its policies will be saved beyond that time as it was adopted at a time of recession (uncertainty in the market place) and thereby at a time when it was difficult to implement many of its core aspirations. Many of its policies are relevant and whilst it specifies areas where residential development is encouraged it also supports, in its Regeneration Priorities (policy 1), the provision of residential development throughout the Plan Area. In addition, the site falls within an area identified as being 'The Station Quarter' (STQ) by Policy 20 of the KTCAAP. The vision for this area is:

Vision

The Station Quarter will be a high quality sub-regional destination offering a sustainable mix of employment, transport infrastructure and open spaces with complementary residential and hotel uses, set in an attractive, pedestrian friendly environment that respects its heritage whilst accommodating new development and promoting high quality design. The Station and its environs will be well connected to the town centre through an attractive and accessible public realm.

Whilst the site does not have a site specific 'STQ' designation the site's development would be expected to accord with the Vision aims. And in that regard as residential is proposed the basic tenet for the proposal would align with those aims.

Considering the immediate foregoing, the proposal therefore is acceptable in principle.

2. Impact on character and appearance

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

The proposal would have limited intervisibility with the nearby Grade II Listed Victorian Train Station which is 70m to the south-west and is 50m to the west of the Town Centre Conservation Area with intervening modern development. As such the proposal would have no impacts to heritage assets or their setting and therefore no need to consider the proposal under the relevant Listed Building and Conservation Acts.

Whilst not harmful, the character and appearance of the existing site has no visual benefit to the area other than providing openness.

The design approach proposed, and the modern typology employed is inoffensive in its surrounding context, has a good degree of quality and acknowledges the triangular shape of the site well in an area that has a variety of modern building types. The overall height of the building is consistent with other adjacent buildings and sits lower than 'Cleaver Court' to the south-east, which is also five-storeys high. The proposal has also taken effort to reduce its mass through the provision of an upper floor that is set-back from the main building edge below and uses different materials, balconies, and design features to break up the expansive street frontage. Whilst the building has a greater scale and massing than the three-storey housing to the north in Drill Hall Court the 20m separation distance with those dwellings means that it does not have an overly dominating impact over those adjacent established house type. The proposal has scope for some planting to the Northfield Avenue frontage, which softens the physical presence of the building at ground floor level and assimilates the development with the green edge to the opposing side of Northfield Avenue. In addition and whilst the rear elevation will not form a key component within the streetscape a raised area of planting is proposed over the main entrance lobby together with provision of a 'green-wall' above and is an attractive rear feature to the proposal.

The provision of a five-storey modern building would not be suited to most sites within a Market Town such as Kettering. Due to the site's prominent location, however, and on a key approach to the Train Station the site is worthy of a striking, tastefully designed, and somewhat imposing building especially when it sits comfortably amongst existing fabric of development. The proposal meets these aims and sits comfortably in its surroundings.

The precise finishes, colours and external materials shall be required to be approved by condition together with details of the landscaping including how the 'green-wall' will be maintained.

Consequently, the application proposes a high-quality development that would respect and enhance the character and appearance of the site and the area. The proposal is therefore consistent with Policy 8(d) of the JCS and NPPF guidance on these matters and therefore is acceptable in this respect.

3. Impact on neighbour's residential amenity

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

The key impacts to consider in this regard are toward the privacy, light, and outlook of residents in the adjacent retirement housing at Cleaver Court to the south-east and toward occupiers of 6-10 Drill Hall Court to the north-east of the site. To assist in consideration of these impacts the application was supported by a 'Section Plan' which shows the heights of the proposal in the context of the mentioned neighbouring buildings and distances from them. In addition, the provided 'Design and Access Statement' includes a 'Solar Study' which indicates the extent of the shadowing that the proposed building would cast and at what times of day throughout the year and includes some 3-D model visualisations of the development.

Looking at the impact on facing residents of Cleaver Court first in the context of the proposals physical form. Cleaver Court consists of a 26 one-bed flats over five floors including rooms in the mansard roof. Whilst the internal arrangements of Cleaver Court are not known, judging by the number of windows in the rear elevation facing the application site a high proportion of the windows would serve habitable rooms. In addition, there is a small conservatory to the rear, presumably off a shared lounge area and a small garden to the rear. The Cleaver Court building (including the conservatory) is approximately 17m from the boundary with the application site with an intervening car park associated with Cleaver Court residents and visitors with the boundary formed by a 2m high brick wall. The proposed building is approximately 6m from this shared boundary and is set on a slab level approximately 1.5m lower than Cleaver Court. These distances equate to a separation of approximately 23m from the proposed building and the Cleaver Court conservatory (slightly closer to the garden) and 25m distance from opposing windows in Cleaver Court and the proposals rear south-east facing elevation. In addition, the proposal includes the addition of louvered 'Privacy Screens' to the fourth-floor balconies in the south-east elevation which also assists in limiting overlooking of Cleaver Court property from the proposals facing elevation. The provision of these screens shall be required by condition.

These distances together with the proposed balcony screens to the upper floor of the proposal is enough to ensure that the proposal would not result in an adverse impact to the privacy of occupiers in Cleaver Court. The proposal would result in a significant change to open views experienced by facing Cleaver Court residents, however 25m separation distance together with the broken form and elevation interest of the proposal means that the development would not have an adverse impact to Cleaver Court occupiers and would not have an overbearing affect. As the proposal is to the north-west of Cleaver Court it is not in the arc of the sun and thereby would have no overshadowing impact to Cleaver Court occupiers.

Third party opposers (within Cleaver Court) aver that the impacts associated with the development would harm their amenity. Whilst they would experience a change the proximity, nature, and orientation of the proposed building in juxtaposition with Cleaver Court, as discussed above, would not give rise to significant impacts toward Cleaver Court occupiers. As such those impacts would not justify refusal.

Moving on to discuss impacts of the proposal's physical form toward the rear elevations of occupiers at 6-10 Drill Hall Court. The Drill Hall Court dwellings are arranged over three floors with facing 'Juliet' balconies to the first floor and have approximately 5m long rear gardens with a 2m high rear boundary wall. The facing north-east elevation of the proposal is approximately 21m from the rear elevations of the Drill Hall Court dwellings and therefore approximately 16m from the gardens. To acknowledge that these separation distances are closer than the relationship with Cleaver Court there are no habitable room windows in the facing elevation of the proposal with only obscured windows serving stairwell and lobbies on each floor. The roof garden proposed to the first floor is for visual amenity purposes and other than for maintenance will not be accessible. A condition is proposed to prevent the roof garden being used as a raised terrace and to require the windows to remain obscured in the proposals north-east elevation. There are no balconies proposed in the elevation facing Drill Hall Court property with any balconies in the other two elevations having screens in place to ensure that users cannot look toward Drill Hall Court. The roof is not accessible for occupiers of the proposal as an outside space. These arrangements mean that the proposal would not have adverse impact to the privacy of Drill Hall Court occupiers.

In terms of light loss toward the rear elevations and gardens of Drill Hall Court property; the proposal would result in some overshadowing impacts; however these will be limited to the winter months (when the sun is lowest) and only to the latter parts of the day (after 3pm) when sun light will be failing. As such these impacts will be confined to only small parts of the day at relatively 'gloomy' times of the year and therefore are not considered to be detrimental to residential amenity.

In acknowledging that the proposal is closer to the rear elevations of the Drill Hall Court dwellings compared with the Cleaver Court relationship and also that they have private rear gardens the application has made significant strides to provide an aesthetic elevation facing Drill Hall Court. To achieve this and whilst much of the proposal's north-east facing elevation will be relatively blank a central visual relief has been proposed with a recess in the elevation where the service areas are. This recess includes different materials, a roof garden above ground floor and a 'green wall' including swift boxes to the recessed element at levels 1-4. These provisions

together with the design of the set-in top floor will provide an interesting outlook for occupiers in Dill Hall Court property and whilst it would have a change to their open view would not cause a detrimental impact to their outlook and together with the separation distances would not result in an overbearing affect.

The physical form of the proposal therefore would not result in detrimental impacts to neighbour's residential amenity because of loss of light, privacy, or outlook (including overbearing).

Moreover, there is no reason to believe that the domestic activities associated with a residential scheme of 25 apartments (including use of the balconies and car park) would result in nuisances or disturbances that would have an adverse impact on neighbours' amenities. Refuse arrangements are within the ground floor of the building and the vehicular comings and goings associated with the proposal would be comparable with the sites current use as a car park. Details of an external lighting scheme shall be required by condition to ensure that that there is no undue light spill onto neighbouring residential property.

Whilst some impacts arising as a result on the proposals construction are inevitable, these are short-lived over the lifespan of the development and can be minimised through provision of a condition limiting hours of construction work and through approval of a construction management plan. Finished floor levels shall also be required by condition.

Consequently, and subject to the imposition of the mentioned conditions the proposal would safeguard neighbour's residential amenity and therefore is acceptable in this regard.

4. Impact on future occupiers' residential amenity

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

The application consists of 25 apartments including one and two bed units arranged over five floors. The internal accommodation is consistent with National Space Standards and would provide light and airy internal living conditions which is a requirement of Policy 30 (b) of the JCS consistent with paragraph 127 (f) of the NPPF.

Private outside balcony is provided for nine of the apartments with one communal balcony on the first, second and third floor. The roof and the roof garden shall not be available for common use. Whilst overall the proposal would provide limited private outside space it is unlikely that the proposed units would attract families but instead would be attractive to professionals that would not necessarily require outside space. However due to the overall lack of private outside space a contribution will be required to off-set the impacts of the proposal and the pressure that use of nearby public open space (at Meadow Road) by occupiers would have in the absence of such space within the scheme to serve all the units. As such the lack of private amenity space to serve the whole development is not determinative for this nature of development which consists of small units.

Within the scheme there is provision for a secure ground floor 34 bay cycle store and a bin storage area. There is a lift proposed together with good-sized lobby areas with short hallways and two stairwells. There is also partition screening between the balconies to ensure privacy of occupiers and the single ground floor unit would have privacy from passers-by provided by the site's boundary wall and landscaping. The proposal provides 30 car parking spaces within the automated gate-controlled access. 14 of these are under cover bays (either partially or completely) and includes three disabled bays and four Electric Vehicle (EV) parking bays. This parking provision equates to over one parking space per unit. The site is also located within 160m walking distance of the Train Station.

Due to the site's proximity to the Train Station and Northfield Avenue roadway as a source of noise the application was accompanied by a 'Noise Survey' that discusses future occupiers' exposure to noise. The mitigation measures to achieve British Standards (BS8233:2014) for internal spaces proposed relate to provision of suitable attenuating glazing and ventilation systems and are standard provisions. As a result of this and with night-time noise levels being generally very low internal noise levels will be low and are acceptable. As such and subject to the proposal being conditioned to be constructed in accordance with the mitigation measures recommended in the 'Noise Survey' the proposal would not result in an adverse impact to future occupiers because of noise.

Any impacts arising between units and with respect to the ground floor plant and service areas will be dealt with through building regulations at the time of the build.

Provision of an air quality survey has also been requested by the Council's Environmental Protection Department. However on this occasion as the site is located with a residential area and with no reason to believe that the site is exposed to poor levels of air quality this condition is not considered to be reasonable and therefore shall not be imposed.

The proposal, subject to the imposition of the safeguarding conditions discussed would provide a good standard of amenity for future occupiers.

5. Impact on highway safety (including loss of car parking)

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

This matter is addressed within Section 8.0 'Access' within the submitted 'Design and Access Statement' which also discusses 'means of escape'.

Firstly, looking at the impacts associated with the removal of the existing car park from use. The site was given planning permission in late 2017 for the parking of 20 vehicles and was used for that purpose shortly after and is currently being used for that purpose. The number of car park spaces provided at the site therefore is relatively low. There are close to 500 car parking spaces available nearby at the train station with many others within the Town Centre. As such there is no reason to believe that the loss of a 20-space car parking facility near the train station would have an adverse impact on street congestion in the area or toward highway safety.

The development will provide 30 car parking spaces including (3) for disabled users and (4) for Electric Vehicles, secure storage for 34 cycles and refuse storage close to the access and would use the existing access point onto Northfield Avenue.

Such provisions for car parking are ample and which given the sites sustainable location, which is less than 200m walk to the Train Station and within 800m easy walk to the Horsemarket bus stop hub, is ideally placed for occupiers to take advantage of sustainable transport options. The site's car parking shall be conditioned to be in place and available for use prior to first occupation and retained for that use in thereafter.

In addition, the site is conveniently located close to Town Centre shops, facilities and services including restaurants, pubs, libraries, and churches and many places of work conducive to limiting travel by the private car. The proposal also includes the provision of over one cycle space per unit. Through Section 106 provisions and to further encourage a modal shift away from car usage a £100 cycle voucher and 28-day mega-ride bus ticket will be available to first occupiers.

Refuse storage is located close to the site access and thereby is conveniently located for quick collection without impeding the highway either from the kerbside or by entering the site. The pedestrian and vehicle gates shall be electronically controlled with sufficient distance (6m) between the gates (which open inwards) and the roadway to enable a car/van to pull off the roadway without straddling the road. The access is 5m wide and would enable cars to pass one another with good visibility in either direction whilst using an existing access that appears to currently operate safely in association with the sites established car park use.

Although the Local Highway Authority (LHA) does not have an objection; they provide a series of observations; these shall be directly discussed below in the order that they appear under their comments in Section 4.0 above:

- The parking dimensions provided on the submitted 'Site Plan' correctly scale at the annotated dimensions 2.5x5m on a printed plan. This aligns with LHA standards. The electronic measurements used by the LHA appear to be inaccurate on this occasion.
- The disabled car parking 'hatching' is shown on the submitted plan and shall be ensured by condition
- The sites vehicular access gates are shown to open inwards on the submitted plan and its automated arrangements are acceptable to prevent people leaving the vehicle and therefore interrupting the flow of traffic on Northfield Avenue. These arrangements shall be ensured by condition. Access arrangements are safe.
- Vehicle splays have been added – these are unchanged from the current safe situation which offers good visibility in both directions, can be appreciated on site and are acceptable
- A positive means of drainage at the site access can be provided by condition
- Whilst the site may not meet LHA standards for parking provision, the provision of 30 car parking spaces overall in such a sustainable location is more than suitable

As such and given the arrangements proposed together with the advantages associated with the sites sustainable location the development would not prejudice highway safety. As such and with no convincing evidence available that would justify coming to a different conclusion the development is acceptable in this regard.

6. Planning out crime and fire safety

Policy 8 (e) of the JCS consistent with paragraph 127 (f) of the NPPF seeks development to design out anti-social behaviour and create safe environments and provide appropriate fire safety measures.

To deal with this matter and to address the Police's Crime Prevention Design Advisors concerns a 'Secured by Design' Section has been provided in an updated 'Design and Access Statement' which discusses controlled access to the car park and internal areas, provision of 'vandal resistant material and colour' to the ground floor external walls and CCTV surveillance of the building and car park which will also receive surveillance from neighbouring residential property. The security measures shown shall be required to be implemented prior to occupation and remain in that form thereafter. Details of an external lighting scheme shall be required by condition to ensure that that the site is appropriately lit.

The submitted 'Design and Access Statement' also discusses emergency egress arrangements with provision of two stairwells located apart from one another. There will also be smoke and heat detection sensors throughout the building. The requirements of a sprinkler system and/or a fire hydrant, as recommended County Fire and Rescue, through their Development Management Department shall be provided by condition.

As such and subject to the provision of the discussed conditions and with no objections from the Police (or otherwise their concerns having been overcome) or the County Fire and Rescue Department the proposal is acceptable in these respects.

7. Impact on biodiversity

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

Policy 4 of the JCS, consistent with chapter 15 of the NPPF seeks the protection and enhancement of biodiversity.

Given the entire hard-surfaced nature of the existing site enclosed by built form there is no reason to believe that the proposal would have any ecological constraints. However, in adopting a positive approach to development net biodiversity gains are required. This gain is provided through provision of the 'roof garden', the 'green wall' and the small areas of landscaping around the edge of the site together with the

provision of swift and bat 'bricks' being included within the proposal. The provision of the 'bricks' shall be required to be installed via condition together with details of the landscaping and how the 'roof garden' and 'green wall' will be maintained.

As a result of these provisions and subject to imposition of the discussed conditions and with no objection from the County Ecologist the proposal would safeguard and enhance biodiversity.

8. Sustainable building implications

Policy 9 of the JCS says that all residential dwellings should incorporate measures to limit water use to no more than 105 litres per person per day. To deal with this matter a suitable water saving condition shall be imposed by detailing approval of the submitted 'Energy Statement', which details provision of this water usage arrangement.

In addition, and to deal with this matter the application was accompanied by a professionally compiled 'Energy Statement' that discusses the proposals energy saving credentials. The proposal will adopt a 'Fabric First' approach which seeks the provision of enhanced insulation standards and Heating, Ventilation and Cooling efficiencies which will result in an *'annual regulated carbon emissions of approximately 3.88% in comparison to the current edition of Approved Document Part L1A 2013 of the Building Regulations.'* This would therefore mean that building regulation provisions for energy saving and JCS Policy 9 requirements will be exceeded.

Whilst the roof is not being used for the provision of solar panels, there is no Policy requirements for this. The roof, however, would be available for this use at any time after construction. The 'Energy Statement' shall form part of the approved documents as mentioned.

As such the proposal meets the sustainable building levels prescribed in the JCS and therefore is acceptable in this regard.

9. Impact on the water environment

Policy 5 of the JCS looks for development to have regard to the water environment and make appropriate arrangements for flood risk management.

To deal with this matter the application was accompanied by a 'Drainage and Sustainable Drainage Systems Design' report. The report locates the site in flood zone 1 – which is the area least prone to flood risk and being less than 1ha and therefore a flood risk assessment is not required. The site is currently entirely hard paved and therefore the proposal, as a starting point, would not increase surface water run-off in the area. The strategy proposed for the surface water and foul will connect to the existing Anglian Water infrastructure and through the provision of a site drainage network will reduce run-off. The submitted Drainage Report has the agreement of the Lead Local Flood Authority subject to the imposition of conditions, which shall be applied.

Policy 6 of the JCS seeks proposals to deal with contamination. In accordance with Environmental Protection Department comments and to deal with this issue a standard contamination condition shall be imposed.

As such and with no objections from the Lead Local Flood Authority (LLFA) or Anglian Water the proposal, subject to the imposition of LLFA recommended conditions, has the appropriate arrangements in place to ensure that the water environment is protected. The proposal thereby is acceptable on this matter.

10. Affordable housing and housing type and mix

The proposal provides a mix of small house types (one and two bed) and therefore contribute toward meeting the JCS requirements (Policy 30a) for securing the delivering of smaller units.

Policy 30 (d) of the JCS, consistent with NPPF advice, looks for residential development that exceeds 10 dwellings to provide a percentage of the overall number for affordable housing within the scheme or otherwise in the form of a commuted sum toward affordable housing provisions off-site. In Kettering Town the required affordable housing percentage is 30%.

In this case and as presented within the submitted 'Design and Access Statement' the provision of five one-bed affordable houses is proposed within the scheme. This equates to 20% of the overall number of dwellings and therefore is under the provision required in the JCS. On this occasion, however, given the 'entry level' nature of the housing this provision is acceptable and is significantly higher than the 10% required in the NPPF.

Affordable Housing (Registered) Providers however are reticent to take on affordable units in apartment blocks and therefore the Council's Strategic Housing Department advise that affordable housing requirements should be met through provision of a commuted sum. Strategic Housing state that the commuted sum value required should be 40-50% of the Market Value of the units proposed and indicate that this value accounts for land purchase. However, given that the applicant is willing to provide affordable units on site, it is unreasonable to expect this development to meet the cost of land purchase on a site elsewhere to deliver off-site affordable housing. The affordable housing provisions sought should instead be derived from the value of affordable units assuming that they are to be provided on the application site with that figure obtained from a percentage of the Market Value of the proposed apartments.

As such and consistent with other recent secured commuted affordable housing sums 30% of the Market Value of five of the proposed units is fair and reasonable and would meet the tests laid out at paragraph 56 of the NPPF. The overall percentage figure shall be based on the Market Value of three 1-bed apartments (approx. £24k per unit) and two 2-bed (approx. £30k per unit) with Market Value taken from similar apartments currently available in the Town Centre for sale. This would equate to an overall commuted sum associated with affordable housing in the region of £132k, which shall be index linked. The applicant has expressed willingness in the submission to provide five affordable units and the commuted sum

sought would meet that provision and would contribute to the delivery of affordable units off-site.

The proposal is therefore acceptable in this regard subject to the affordable housing provisions being secured in a Section 106 Agreement.

11. Community infrastructure

As the proposal relates to the provision of a 'major' development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 the application would be expected to provide appropriate community infrastructure contributions that off-sets its impacts. Such contributions will usually be secured in a Section 106 Agreement.

Library contributions of £3,328 and early years education of £33,516 and Primary Education of £14,526 are required by Northamptonshire County Council's Development Management Department. The NHS have also requested £13,865.58 toward the cost of treatment/consulting rooms and the nearby Eskdaill Medical Centre and Weavers Medical Centre.

Considering the proposals limited private amenity space provision and Town Centre location the development would have pressure on nearby municipal infrastructure. As such the development will be expected to make a community infrastructure contribution (figure in the region of £30k) toward provisions highlighted within the Kettering Town Centre Delivery Action Plan, which sits behind the KTCAAP as an informing document. The Plan discusses relevant projects such as 'Seats on Streets', 'Meadow Road Urban Park' and 'Bakehouse Hill' public realm improvements. The delivery of some or all of these schemes would off-set the impacts relating to the proposal.

The Section 106 will also include provisions associated with sustainable travel including cycle vouchers and bus tickets being offered to future (first) occupiers.

These contributions are not necessarily exhaustive but are considered to meet the tests laid out at paragraph 56 of the NPPF and set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and therefore are appropriate.

The application is accompanied by a letter which expresses willingness to provide most of the above contributions in a Section 106 Agreement. However, failure to reach agreement could result in a refusal being issued based on the proposal failing to off-set its impacts to Community Infrastructure.

Conclusion

Considering the foregoing the proposal is considered to comply with the Development Plan and is consistent with NPPF advice.

The proposal therefore comprises the right development, in the right place and at the right time and constitutes sustainable development.

Consistent with paragraph 11 of the NPPF presumption in favour of sustainable development should apply and in accordance with the Development Plan such

proposals should be approved without delay. Hence, the application comes before the Planning Committee with a recommendation to approve subject to imposition of the conditions laid out and discussed above and subject to a satisfactory Section 106 Agreement being signed.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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