

PLANNING COMMITTEE

Tuesday 15th December 2020 at 6.00pm
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This is a virtual meeting of the Planning Committee to be held using Zoom and live-streamed via YouTube.

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A G E N D A

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

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held: 3rd November 2020

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

21.PC.01 APOLOGIES

Apologies for absence were received from Councillor Shirley Stanton and Councillor Leslie Thurland.

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

21.PC.02 MINUTES

RESOLVED that the minutes of the meetings of the Planning Committee held on 22nd September 2020 be approved as a correct record.

21.PC.03 DECLARATIONS OF INTEREST

Declarations of interest were noted on item 5.1 from Councillors Rowley and Davies. It was agreed that Councillor Rowley would leave the meeting for this item.

21.PC.04 ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE URGENT

None.

21.PC.05 PLANNING APPLICATION REPORTS

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

The reports included details of applications and, where applicable, results of statutory consultations and representations which had been

received from interested bodies and individuals, and the Committee reached the following decisions:-.

KET/2019/0369

| <u>Proposed Development</u> | <u>Decision</u> |
|--|--|
| <p>*5.2 Full Application: Demolition of outbuildings and single storey rear extension. Erection of 1 no. dwelling plus single storey side and two storey rear extensions to no. 24 Barlows Lane, Wilbarston</p> <p>Application No: KET/2020/0347</p> <p><u>Speaker:</u></p> <p>Baxter Horton addressed the Committee acting as a third-party speaker against the proposals. Mr Horton raised concerns on both his behalf, and those of the other objectors, regarding “shoehorning” another property into the existing space. He also raised concerns regarding scale and height, loss of privacy, highways and parking issues and the use of eco-friendly resources.</p> <p>Councillor Nick Richards addressed the Committee on behalf of Wilbarston Parish Council. Councillor Richards advised the Committee that the Parish Council wishes to object to the proposals, and raised concerns surrounding traffic movement and access to surrounding roads.</p> | <p>Members received a report which sought planning permission for the destruction of outbuildings and existing single storey extension to the rear at 24 Barlows Lane, Wilbarston, and the erection of 1no. Dwelling as well as a single storey side extension and a two storey rear extension to the current dwelling.</p> <p>Planning officers addressed the committee and provided an update to the application. The update related to further objections submitted by the neighbour at No. 26, and their concerns surrounding the inadequacy of the spacing left by the new development. Planning officers advised the committee that the plans submitted do not evidence a lack of space as suggested by the objector.</p> <p>Members raised concerns during the debate regarding the materials that would be used for the development and whether these would be in keeping with the current property. It was also added that condition 4 be amended so to include that specified materials were used especially for the reconstruction of the boundary wall.</p> <p>Following debate, it was proposed by Councillor Edwards 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 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. No demolition, construction, deliveries of plant and materials for construction shall occur outside of 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.

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

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.

4. Prior to the first occupation of either dwelling, a scheme for boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the reconstruction of the boundary wall along Barlows Lane and details for a stone boundary wall along the site's Orchard Close curtilage boundary. The scheme shall demonstrate that the new wall will re-use the existing stone (that is to be removed from the front wall to create the access) where feasible, and shall demonstrate that the coursing, stone cut and size and the design of the new wall shall match the existing wall. The details shall include plans and elevations and the specifications of the stone and pointing. The buildings shall not be occupied until the approved scheme has been fully completed in accordance with the approved scheme.

5. Prior to first occupation of the dwellings a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The 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.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (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, F and G of Part 1 of Schedule 2 of the Order shall be erected, constructed, made on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining properties, to protect the character and appearance of the Wilbarston Conservation Area in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

7. The windows at ground and first floor levels on the side (northern) elevation of the hereby permitted new dwellinghouse shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking.

8. Notwithstanding the hereby approved drawings, all window frames used in the development shall be white in colour and thereafter retained in this colour.

REASON: In the interests of the character and appearance of the Wilbarston Conservation Area in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

9. Prior to the first occupation of the development hereby permitted details of the bin stores and secure cycle stores shall be submitted to approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and retained in that form thereafter.

REASON: To ensure the development is carried out and thereafter in accordance with sustainable development principles in accordance with Policies 1 and 8 of the North Northamptonshire Joint Core Strategy.

10. No development above building slab level shall commence on site until samples of the types and colours of all external facing and roofing materials to be used in the development have been made available on site for inspection 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 character and appearance of the Wilbarston Conservation Area in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

11. Pedestrian visibility splays of at least 2.0m x 2.0m must be provided on each side of the vehicular access(es). These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level. The land should be contained entirely within land in the control of the developer.

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

12. Vehicular visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access(es) by a distance of 43m measured from the centre of the vehicular access along the carriageway edge. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above carriageway level.

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

13. The gradient of the drives shall not exceed a gradient of 1 in 15 within the first 5.0 metres of the edge of the carriageway of the adjoining highway.

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

14. Prior to the first occupation of the hereby approved development details of the drainage system across the back of the highway boundary (linear drain) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include systems to ensure surface water drains to soakaways contained within the applicant's own land. The approved details shall be fully implemented before the first occupation of the dwellinghouses and thereafter retained.

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

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

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

16. Prior to the first occupation of the hereby approved dwellinghouses details of a scheme for the provision of bird and bat boxes on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwellinghouses and shall thereafter be retained.

REASON: In the interest of preserving and enhancing biodiversity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

17. No development above building slab level shall commence on site until details (including samples) of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the dwellinghouses are first occupied.

REASON: In the interests of the character and appearance of the Wilbarston Conservation Area in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

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

(Voting: For: 5 - Against: 3)

The application was therefore
APPROVED

KET/2019/0904

| <u>Proposed Development</u> | <u>Decision</u> |
|--|--|
| <p>*5.1 Full Application: Extension to temporary planning permission (KET/2014/0662) for siting of mobile home for an essential worker in relation to the operation of a 40 dog boarding kennel at Cobley's lodge, Stamford Road, Little Oakley</p> <p>Application No: KET/2019/0904</p> <p><u>Speaker:</u></p> <p>There were no speakers on this item</p> | <p>Members received a report which sought a full application for the extension of previous temporary planning permission, relating to a mobile home used for an essential worker in relation to a 40 dog boarding kennel.</p> <p>Planning officers addressed the committee and provided an update which stated that the Agents for the application had confirmed that the applicant is the freeholder of the farm, and that the farm itself comprises of 31 hectares.</p> <p>Members raised questions with regards to the amount of times an application can appear before committee as "temporary". Concerns were also raised about the gaining of the information and the legitimacy of said information, confirming that it will be used solely as a residence to the essential worker to be able to carry out their duties. Additionally, members raised concerns regarding advice given to the applicant last year, and the time it has taken for this application to appear before committee again.</p> <p>Following debate it was proposed by Councillor Adams 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. This permission shall be limited to a period expiring on 31st December 2024. At or before the expiration of this period the building hereby permitted shall be permanently removed and the land restored to its former condition.

REASON: To enable the Local Planning Authority to re-assess the agricultural viability of the holding to see whether there is a continuing need for on-site accommodation in accordance with Policy 13 of the North Northamptonshire Joint Core Strategy.

2. The occupation of the mobile home shall be limited to person(s) working for Harker's Barkers Boarding Kennels. If the Boarding Kennels use ceases, the occupancy of the mobile home shall cease no later than 6 months following the cessation of the business use and the mobile home shall be permanently removed and the land restored to its former condition.

REASON: The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry in the interests of amenity in accordance with Policy 13 of the North Northamptonshire Joint Core Strategy.

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 7.16 pm)

Signed.....

Chair

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Tuesday, 15 December, 2020

No. 5 Planning Application Reports

| | | | | |
|-----|----------------------|-----|--|----|
| 5.1 | | JWI | Harborough Road & Pipewell Road, Desborough (land between) Variation of s106 agreement pursuant to outline planning permission KET/2011/0235 and as varied by planning permission KET/2017/0169 granted under s73 - Phase II Desborough North | 1 |
| 5.2 | KET/2019/0644 | CGR | Manor House, Gold Street (land rear of), Desborough Full Application: Re-development of site to create 39 no. dwellings with access, parking and associated works Expiry date: 23-June-2020 | 7 |
| 5.3 | KET/2020/0305 | LJO | 76 St Botolphs Road (land adjoining), Barton Seagrave Outline Application: Outline application with all matters reserved except access for 1 no. two storey detached dwelling with parking and access Expiry date: 21-December-2020 | 27 |
| 5.4 | KET/2020/0320 | LJO | 2 Polwell Lane (land adj), Barton Seagrave Outline Application: Outline application with all matters reserved except access for 1 no. dwelling Expiry date: 21-December-2020 | 45 |
| 5.5 | KET/2020/0567 | CGR | 57 Stamford Road, Kettering Full Application: New shopfront, flue and roller shutter to approved scheme (KET/2019/0820) for change of use to the ground floor from C3 to Sui Generis (previously A5). First floor to be used as a one bedroom apartment Expiry date: 30-October-2020 | 63 |
| 5.6 | KET/2020/0675 | LJO | 14 Wold Road, Burton Latimer Full Application: First floor front extension Expiry date: 26-November-2020 | 71 |
| 5.7 | KET/2020/0681 | LJO | 11 Valley Walk, Kettering Full Application: Single storey side extension Expiry date: 20-December-2020 | 77 |

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:- M Rowley (Chair), S Edwards (Deputy Chair), J O'Hara, L Adams, C Mitchell, C Moreton, L Thurland, G Titcombe

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

BOROUGH OF KETTERING

| | | |
|--------------------------|--|---------------------|
| Committee | Full Planning Committee - 15/12/2020 | Item No: 5.1 |
| Report Originator | James Wilson Interim Head of Development Services | |
| Wards Affected | Desborough Loatland | |
| Location | Harborough Road & Pipewell Road, Desborough (land between) | |
| Title | Variation of s106 agreement pursuant to outline planning permission KET/2011/0235 and as varied by planning permission KET/2017/0169 granted under s73 - Phase II Desborough North | |

1. PURPOSE OF REPORT

1.1 To update members on the progress with proposals at the Desborough North Phase II and for them to note changes to the s106 agreement, pursuant to outline planning permission KET/2011/0235 and as varied by planning permission KET/2017/0169, which are as follows:

- To allow Bellway to make a financial contribution of £1.7m for the purpose of providing a footbridge over the railway line. These funds to be retained in an Escrow account where they would be released to the LPA, after a defined time period, in the event that Bellway were unable to deliver and build the footbridge.
- To allow Bellway to make a financial contribution for the full cost of the delivery of the Leisure Centre extension which would be verified independently.
- To make an additional new clause relating to open space maintenance and also any terms of the transfer of this open space.
- To reduce the site area of the two-form entry primary school site from 2.2 hectares to 1.9 hectares in order to accommodate a two-form entry satellite school due to the current increase in the capacity of existing schools in the area.

2. BACKGROUND INFORMATION

2.1 Outline planning permission was granted on 25th April 2014 for the development of up to 700 dwellings including provision of a local centre, primary school, green infrastructure and creation of accesses subject to a s106 agreement.

2.2 Subsequently the Council has granted a reserved matters approval for part of the development to secure the first part of the access into the site pursuant to application KET/2016/0249 and has also granted a s73 application to vary some of the conditions under application KET/2017/0169.

2.3 In addition, three non-material amendment applications submitted under s96A were granted to vary each of the above permissions under applications KET/2019/0137, KET/2019/0138 and KET/2019/0139.

- 2.4 The site has been under negotiation with the LPA for several years with the site promoter and landowner to consider how the consented scheme can come forward in a viable way. Due to the nature of the financial obligations in the s106 and infrastructure costs, primarily a £4m upfront contribution for the primary school and the cost of the development's main spine road, the development cashflow was negative and solutions to address this were being sought. In 2018 the Council bid for Government funding of £10.6m through the Housing Infrastructure Fund (HIF) for the main spine road. Unfortunately, after being initially successful through shortlisting for the funding the Council was ultimately not successful in securing the funding after due diligence.
- 2.5 The development has attracted interest from the market and various house builders have discussed potential solutions with the land promoter for bringing the site forward, albeit with the difficulties of the viability still to be resolved. At the beginning of 2020 two house builders were interested in developing the site in 2 phases, through the COVID pandemic one of these has now withdrawn leaving Bellway Homes as the sole interested party now willing to develop the whole of the site.
- 2.6 The outline planning permission consented in 2014 and as amended in 2017 will lapse on 25th April 2021 due to the condition requiring that all reserved matter applications should be submitted to the Council within 7 years of the date of that original permission. Time is therefore running out if the applicant and the Council wishes to see the exercise and delivery of development under this planning permission.
- 2.7 Council officers have been in detailed discussion with Bellway Homes to find an acceptable way forward and there are 4 specific and limited areas which are to be amended in the S106 agreement through this Deed of Variation in order to bring this site forward. These are;
1. Pedestrian Footbridge Over the railway
 2. Leisure Centre Extension
 3. Open Space Maintenance
 4. School Site

The proposals for each of these variations are set out below.

3. S106 DEED OF VARIATION DETAILS

Pedestrian Footbridge Over the Railway

- 3.1 Under the existing s106 agreement there is an obligation on the owner of the land to provide all reasonable steps to obtain the necessary agreements, approvals and licences to construct a pedestrian only footbridge to facilitate pedestrian access from the development to the town centre over the Midland Mainline railway line. This obligation requires planning permission for the bridge to be obtained before the first occupation of the 250th dwelling.

- 3.2 The footbridge is thereafter to be constructed by the owners as soon as reasonably practical and no later than the first occupation of the 450th dwelling. The route over the bridge is to be dedicated at all times as a public footpath with future maintenance resting with the Council.
- 3.3 Due to the restrictions in the land area to the south side of where the bridge will land on Gladstone Street, it was accepted at the time the outline planning permission was granted that it is not possible to design a ramped access for both sides of the bridge to allow for a DDA compliant footbridge and for the avoidance of doubt the s106 agreement removed this requirement.
- 3.4 Bellway Homes is now in the process of negotiating to buy the land as a whole since other house builders have withdrawn their interest in the site.
- 3.5 There is concern from Bellway Homes that in fulfilling the above obligation, this would potentially expose them to a significant level of financial risk due to the unknown costs of building such a project. Without a level of certainty on what the final costs would be, Bellway is not able to commit to an open-ended obligation that could lead to escalating costs as the project progresses.
- 3.6 Initial meetings have been held between Bellway, Network Rail and the Council. At this early stage it is not possible to provide a definitive estimate for what the bridge will cost. However, there is now a clear route map for how the bridge can be designed, costed and delivered. From similar projects on the Midland Mainline and experience of costs from consultants a range of costs between £800,000 and £1.7m have been roughly estimated.
- 3.7 Bellway Homes is now seeking to vary this obligation to remove any potential cost inflation of this piece of infrastructure, prior to submitting a formal application. This would result in them putting forward a contribution of £1.7m to be held in an Escrow account whilst they progress the delivery of the bridge against this sum. If the consents cannot be achieved within this cost envelope or within a future date to be agreed, the remaining amount would be transferred over to the LPA who could then choose whether to apply additional funding and complete the delivery through Network Rail. If Bellway Homes and then the Council could not complete this within an agreed period then the funds (or the part remaining) could be diverted into pedestrian and cycle access improvements on other routes into the town centre. If Bellway delivers the bridge for less than £1.7m then the surplus will be returned to Bellway.
- 3.8 This figure includes a contingency and has been arrived at based on detailed technical design and costings undertaken by Bellway's consultant engineers who have experience in dealing with railway infrastructure and in close liaison with Network Rail. However, this still remains an estimate which could be exceeded. The obligation to design the bridge and get all the necessary approvals as per the original s106 agreement would still apply. It is only in the event that the delivery of the bridge could not be achieved that the contribution set aside in the Escrow account would be used to potentially complete the project or be applied to other pedestrian/cycle improvements.
- 3.9 It is considered that by allowing this obligation to become a contribution after a period of time, it ensures there is a way forward to safeguard the likelihood that the bridge can be delivered and that a technical solution can be achieved, while also allowing the development to proceed.

Leisure Centre Extension

- 3.10 The current s106 obligation requires that by no later than the first occupation of the 450th dwelling the development of the leisure centre extension as specified in planning permission KET/2009/0500 be started. It further requires the completion of the leisure centre by the occupation of the 600th dwelling on site.
- 3.11 This obligation is unusual, in as much, as it requires the developer to deliver this extension to a facility which is not within its control. The normal provision would be for a contribution which would allow the owner/operator (in this case the Council) to undertake the works themselves at a particular trigger point.
- 3.12 Bellway Homes is proposing that this obligation is changed to become a straightforward contribution, this would be costed on the basis of the plans consented on the above planning permission and agreed with independent cost consultants advising the Council. Due to the definitive nature of the required extension for the leisure centre there is no ambiguity as to what the final costs will be and a contribution can be agreed to enable the Council to project manage this delivery in the future.

Open Space Maintenance

- 3.13 It is proposed that a new clause is added to the s106 obligations which would be for the maintenance of the open space on the site. The previous s106, for unknown reasons, failed to address this issue and it is important that proper maintenance and resources are applied in this regard. This will ensure that the open space can be used for the purposes it has been designated for and that the appearance of the development is kept to a high standard.
- 3.14 These clauses are standard for developments where there is open space provision and there will be an option either for the developer to transfer the land to the Council and to pay a commuted sum for a set number of years for the council to maintain or for a management company to undertake this function.

School Site

- 3.15 The s106 agreement also requires an area of land within the site, the exact site to be agreed, measuring 2.2 hectares for the provision of a two-form entry primary school. One hectare of the 2.2 hectares is considered as 'Additional Land' which is the excess amount of land provided to facilitate the provision of a two form entry primary school as opposed to a one form entry (which is generated by the development) if the need arises in the future, and was based on optimum build standards at the time of the original application.
- 3.16 The Education Authority has confirmed that since outline planning permission was granted for the development, there has been a need for additional capacity to be provided in existing schools in the Desborough area in the interim. There are now more pupil places being offered within the Desborough area than there was at the time the outline application was approved.

- 3.17 Take-up of this capacity does however remain strong, and whilst the external deficit in school capacity is currently not as severe, there is still a need for land to be reserved for primary education provision due to the demand generated from this development and other committed sites in the area.
- 3.18 The Education Authority considers there may be a possibility that delivering a satellite school to one of the existing schools in the area would be sufficient to meet the education needs generated by this development. To provide this, a site of 1.9 hectares, instead of the 2.2 hectares originally required would be sufficient for a one form entry satellite school, whilst also retaining the potential of extending to a two-form entry if necessary.
- 3.19 It is important for the masterplanning, urban design and layout of the site that the correct amount of land is provided for educational purposes. To not utilise a small amount of this site and for the Education Authority to pass this back to Bellway Homes at a future date after the detailed planning had been agreed or the development completed would result in a sub-optimal in-fill development or the inefficient use of land which the NPPF does not promote. With this in mind the site area for the school is being amended to that which is now required but all other triggers relating to education provision as set out in the original s106 remain unchanged.

4. CONSULTATION AND CUSTOMER IMPACT

- 4.1 Consultation on amendments to s106 agreements is not required where this is done by agreement.

5. POLICY AND RESOURCE IMPLICATIONS

- 5.1 The NPPG states at paragraph 23b-020 that a planning obligation “...*can be renegotiated at any point, where the local planning authority and developer wish to do so*”
- 5.2 The net result of the proposed changes would not alter the amount of benefits derived from the s106 originally negotiated, but it would help to clarify and provide certainty for the developer seeking to bring the site forward. The likely result of these amendments not being agreed would be that all of the proposed benefits of the s106 would be lost as the outline planning consent would lapse. There would also be additional pressure on the Council’s five-year housing land supply through the loss of 700 units and its ability to defend against inappropriate development particularly in the Desborough area.

6. LEGAL AND EQUALITY IMPLICATIONS

- 6.1 There are no legal or equality implications arising from this report.

7. CLIMATE CHANGE IMPLICATIONS

7.1 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. RECOMMENDATION

- 8.1 That members note a Deed of Variation to the existing s106 for Desborough North (KET/2011/0235) as amended by the supplemental planning agreement of 2017 is to be agreed to;
- a) allow a financial contribution of the remainder of £1.7m to be made to the LPA for the purpose of providing a footbridge over the railway line, subject to the developer not being able to deliver the footbridge within a defined time period, or in the event that the total sums required were in excess of £1.7m. If the funds were not required for the footbridge any remaining could be applied to other pedestrian and cycle improvements between the development and the Town Centre.
 - b) allow a financial contribution for the full cost of the delivery of the leisure centre extension.
 - c) create a new clause relating to open space maintenance and also any terms of the transfer of this open space.
 - d) reduce the site area of the two-form entry primary school site from 2.2 hectares to 1.9 hectares, with the agreement of the Education Authority, for proper masterplanning and efficient use of the site.

BOROUGH OF KETTERING

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|--------------------------|--|--|
| Committee | Full Planning Committee - 15/12/2020 | Item No: 5.2 |
| Report Originator | Carol Grant Senior Development Officer | Application No: KET/2019/0644 |
| Wards Affected | Desborough Loatland | |
| Location | Manor House, Gold Street (land rear of), Desborough | |
| Proposal | Full Application: Re-development of site to create 39 no. dwellings with access, parking and associated works | |
| Applicant | Mr Lee | |

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 details listed below.

- S001 A - received on 16/09/19
- SK001 M - received on 22/05/20
- SK100D - received on 17/04/20
- SK200E - received on 17/04/20
- SK202 - received on 09/03/20
- SK300 E - received on 17/04/20
- SK400 C - received on 17/04/20
- SK401 C - received on 07/10/19
- SK500 C - received on 07/10/19
- SK501 D - received on 09/03/20
- SK600 B - received on 24/09/19
- SK700 - received on 20/04/20
- T101 A - received on 07/07/20
- T102 - received on 09/03/20
- RT05 - received on 07/07/20

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

3. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, [together with samples,] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. REASON: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. No development shall commence on site until such a time as the existing and proposed ground levels of the site and finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

REASON: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, any existing trees to be retained, the layout, contouring and surfacing of all open space areas and details of all boundary treatments shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling, 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.

6. Prior to ground works commencing on site, a scheme for the layout of the public open space including the provision and type of play equipment shall have been submitted and approved in writing by the Local Planning Authority and shall be installed prior to the first occupation of any dwelling unless otherwise agreed.

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

7. Prior to first occupation of the development, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including the Public Open Space, other than small, privately-owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. All existing trees and hedges to be retained shall be protected in accordance with Appendix E of the Tree Survey, Arboricultural Implications Assessment and Method Statement produced by Greenleaf dated July 2019. The development shall not be carried out other than in accordance with the approved details.

REASON: To ensure the continuity of amenity afforded by existing hedges or hedgerows in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. Before any above ground works commence a surface water drainage scheme for the site, based on the approved Drainage Strategy Plan ref: 19002.DS.B received 05/05/20 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 or first occupation of any dwelling to which it relates, whichever is the sooner. The scheme shall include i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required). ii) Details of the drainage system are to be accompanied by full and appropriately crossreferenced supporting calculations with an allowance of 10% for Urban Creep. iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices. iv) Full manufacturer's specification of permeable paving v) Confirmation of permitted rate of discharge and connection point to the AW sewer vi) A maximum discharge rate of 2.2 l/s. REASON: In the interests of preventing surface water flooding in accordance with policy 10 of the National Planning Policy Framework and policy 5 of the North Northamptonshire Joint Core Strategy.

10. 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 the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include 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 arising's generated from the site. REASON: In the interests of preventing surface water flooding in accordance with policy 10 of the National Planning Policy Framework and policy 5 of the North Northamptonshire Joint Core Strategy.

11. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Drainage Strategy plan ref 19002.dS.B dated 05.05.2020. These 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. REASON: In the interests of preventing surface water flooding in accordance with policy 10 of the National Planning Policy Framework and policy 5 of the North Northamptonshire Joint Core Strategy.

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

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

13. No part of the development hereby permitted shall be occupied until such a time as the access arrangements shown on Welland drawing no SK001 Rev M dated 21/05/20 have been implemented in full.

REASON: To ensure a satisfactory means of access to the highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Before the development hereby permitted is first occupied or used, space for the loading, unloading parking and manoeuvring of vehicles shall be provided within the site in accordance with the approved plans T101, T102 and RT05 and shall thereafter be retained and kept available for such purposes.

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

15. Prior to first occupation, the approved details shall be fully implemented the roads, footways and accesses shall have been provided in accordance with the approved site plan SK001 Rev M and in any event be required to be laid out and constructed to adoptable standards to ensure safe and practical operation.

REASON: in the interests of highway and pedestrian safety and to ensure that the roads are constructed to a satisfactory standard in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. The development hereby permitted shall not be occupied until such a time as parking provision (with turning facilities) has been provided and hard surfaced in accordance with Welland drawing no SK001 rev M dated 21/05/20. Thereafter the onsite parking and turning provision shall be so maintained in perpetuity.

REASON: to ensure that adequate off street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally, in the interests of highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and Paragraphs 108 and 110 of the National Planning Policy Framework.

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

REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the

interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

18. All dwellings shall be constructed to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition).

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy 2016.

Officers Report for KET/2019/0644

This application is reported for Committee decision because the application requires an agreement under s.106 and there have been more than 1 objection to the proposal

3.0 Information

Relevant Planning History

TPO 1976 No 6 A1,19/11/04

TPO 1976 No 6 T3,19/11/04

Site Visit

Officer's site inspection was carried out on 15/10/2019

Site Description

The 1.1-hectare site relates to a former industrial site comprising a main factory building which has both single-storey and two-storey elements. This main building is positioned centrally within the site and there are several other ancillary buildings including a two-storey linked extension to the Manor House and a further building located to the south-east of the site. The site is accessed from Gold St to the north of the site. The car park is accessed via Harrington St also to the north of the site.

Immediately fronting the site on Gold Street and between the two access points is Manor House. The building is not statutorily listed but is a heritage asset to the town. This building has been extended in the past and the more modern extensions are proposed for demolition returning the building back to its original form.

Immediately to the north of the main building is a band of TPO trees (protected under TPO 1976.KE6) and these form the boundary between the site and the southern boundary with Manor House and are prominent within the street scene. Although there are other trees within the site, they are not subject to other TPO's.

Proposed Development

The application seeks permission for the re-development of the site to provide 39 dwellings comprising 18 x 2no bedroom dwellings, 17 x 3no bedroom dwellings and 4 x 4no bedroom dwellings utilising the existing access from Gold Street and parking for 80 vehicles (2 spaces per unit) and a children's play area (unequipped). The scheme is 100% affordable tenure, split 50% affordable rental properties and 50% shared ownership.

Pre application

A pre application enquiry was made under KET/2017/0132 for 50 dwellings on the site. The enquiry was withdrawn prior to any formal comments being made by the Local Planning Authority.

Any Constraints Affecting the Site

TPO

C Road

Local Heritage Asset

4.0 Consultation and Customer Impact

Parish/Town Council - object on the following grounds.

1. Contrary to Policy 7 of the Local Plan for Kettering and Policies 28 and 29 of the Joint Core Strategy
2. Housing allocations for Desborough have been exceeded
3. The Council have a 5-year housing land supply and additional provision would take housing provision in Desborough beyond what is acceptable in light of the strategy as set out within the JCS
4. The development would increase traffic, increase congestion and vehicle emissions particularly at the pinch point between the junction of Gold St and Harborough Road
5. Risk of collision from vehicles turning right from the site
6. The approval of this scheme would lead to unacceptable distortion of the recently adopted spatial strategy

Anglian Water – The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991

Highway Authority - no objections subject to conditions

KBC Community services: no objections subject to conditions and planning obligation under S106 for maintenance of the public open space

KBC Environmental Health – no objections subject to conditions

KBC Housing – no objections subject to S106 to secure 100% affordable scheme

Natural England – no comments to make and refers to standing advice

Northampton Badger Group – Based on the ecological report and the assumption that when the survey was completed there were no badger setts observed, suggest that a pre-commencement survey is completed to ensure that the situation has not changed

Northamptonshire County Council Archaeology - no objection subject to a condition

Northamptonshire County Council Ecology – no objection subject to a condition

Northants Police (Crime Protection) – no objections

LLFA - no objections subject to conditions

Neighbours

There have been 13 comments received with the following concerns:

1. Boundary treatments
2. Traffic and vehicular movement

3. Loss of privacy
4. Trees and maintenance of landscaping
5. Asbestos removal from factory

The above concerns are addressed in more detail within the relevant sections of this report.

5.0 Planning Policy

National Planning Policy Framework

- 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
- 16 – Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

- 1. Sustainable Development
- 2 – Historic Environment
- 6 – Development on brownfield land and land affected by contamination
- 8 – Place shaping
- 9 – Sustainable buildings
- 10 – Provision of infrastructure
- 11 – The network of urban and rural areas
- 12 – Town centres and town centre uses
- 22 – Delivering of economic prosperity
- 23 – Distribution of new jobs
- 28 – Housing requirements
- 29 – Distribution of new jobs
- 30 – Housing mix and tenure

Neighbourhood Plan

Desborough is designated as a neighbourhood plan area (as from 16/10/2013). The latest version of the Plan was produced in October 2017. The draft Neighbourhood Plan has been published for public consultation purposes (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, as amended). At this stage, little weight can be afforded to the draft neighbourhood plan document.

Saved Policies in the Local Plan for Kettering Borough

- D2. Desborough: Environmental Improvement
- 35 – Housing: Within Towns

Emerging Policies (Local Development Framework)

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

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 would ordinarily be secured in a Section 106 Agreement and would likely include contributions toward; libraries and education as required by Northamptonshire County Council and contributions toward primary healthcare as required by the NHS. KBC also require a contribution for the maintaining of the public open space to be provided within the site.

The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested, they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

The total requirement for contributions for Education, Library Services and NHS has been assessed as follows;

Education (total) £389,404
Library services: £8,311
NHS: £31,169.42

The applicant submitted a Financial Viability Assessment (FVA) stating that the scheme would be rendered non-viable if these contributions were to be made. The FVA has been independently assessed by a third party instructed by the Local Planning Authority. The LPA have been advised by the independent assessors that the proposed scheme would not support any additional S106 contributions over and above gaining 100% on-site affordable housing and it is considered any additional planning obligations would prejudice the deliverability of the proposed scheme.

Although it is regrettable that the Financial Viability Assessment has concluded that there are no funds available for contributions towards education or community facilities, it is considered that on balance that the opportunity to provide much needed affordable housing in the proposed tenure split of 50% social rental and 50% shared ownership would provide both an opportunity to provide housing for those who need it most and for local residents to engage with the housing market and allow them to get a foot on the housing ladder. The provision of affordable housing should be given significant weight due to the existing provision during the development plan period and the identified requirement for affordable housing across the Borough. In this instance it is considered that the provision of affordable housing outweighs the non-

provision of the requested contributions. The proposed development would therefore be in accordance with Policies 28 and 30 of the JCS.

A Section 106 has been drafted to secure the scheme for 100% Affordable tenure with the proposed 50-50 split for social rent and shared ownership. The S106 Agreement is to ensure the development is 100% affordable housing is considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably relate in scale and kind to the development proposed and therefore CIL regulations compliant. The s106 will also include the contribution for the maintaining of the public open space within the site.

7.0 Climate Change Implications

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

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

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and impact upon the character of the area and the local Heritage Asset
3. Impact upon neighbouring residential amenity.
4. Impact upon highway safety
5. Flood Risk and Drainage
6. Ecology
7. Affordable Housing

1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As detailed above, the Development Plan consists of the North Northamptonshire Joint Core Strategy (JCS) and the Saved Policies of the Local Plan.

The site is located inside the settlement of Desborough. The settlement boundary for Desborough was last defined through the 1995 Local Plan for Kettering Borough. Saved Policy 35 (Local Plan) is used to define the extent of the settlement boundary and supports housing development within it.

Desborough is identified in the Joint Core Strategy as a market town. Policy 11 sets out the role of market towns as providing a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town. Policy 28 of the JCS sets out housing requirements for the Borough, for Kettering Borough the requirement is 10,400 dwellings in the period 2011-2031. Policy 29 sets out the distribution of new housing in accordance with the Spatial Strategy. The housing requirement for Desborough in the period 2011-2031 is 1,360 houses. This housing total has been met.

Future growth in Desborough needs to be in accordance with policies 11 and 29 of the Joint Core Strategy. Policy 29 sets out that the Growth Town of Kettering will be the strong focus for new housing as this is the most sustainable location for development; this is followed by the market towns. Whilst it is acknowledged that Desborough is identified as a location where there will be some additional growth, the JCS requires that the level of growth is at a scale appropriate to the character and infrastructure of the town.

In addition to this, work is progressing on the Desborough Neighbourhood Plan, where a number of possible housing allocations have been identified, however this site is not included. The latest version of the Plan was produced in October 2017. The draft Neighbourhood Plan has been published for public consultation purposes (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, as amended). At this stage, little weight can be afforded to the draft neighbourhood plan document.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. In this case the relevant part of paragraph 11 is c) which states that for decision taking this means “approving development proposals that accord with an up-to-date development plan without delay.” Paragraph 11 d) is not engaged because the Council can meet the requirements set out in footnote 7 (of paragraph d) i.e. the Council can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) and can meet the requirements of the housing delivery test.

Paragraph 12 of the NPPF is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where there are overriding objections with a

planning application conflicting with an up-to-date development plan permission should not be granted.

The most important 'basket' of policies within the development plan comprise the spatial strategy policies of the North Northamptonshire Joint Core Strategy 11, 28 and 29. Whether these policies are up to date has been tested recently in an appeal by Gladman Developments Ltd for outline planning permission for up to 245 dwellings with all matters reserved except for access, on land off Braybrooke Road, Desborough (the Gladman appeal). application reference for this application is KET/2018/0060 and the appeal reference is APP/L2820/W/18/3215362. The appeal was determined via a Public Inquiry and the decision was issued on 15 October 2019.

With regard to the 'most important' policies, the Inspector determined that policies 11, 28 and 29 of the JCS were relevant. He also concluded that as Policy 29 indicates that housing will be accommodated (rather than provided) in line with the spatial strategy, that the distribution (in which the accommodation of housing is effectively set out) means that the expectation of policy is that Desborough will deliver some 1360 homes. Policy 11 indicates that any significant growth beyond that set out in policy 28 (10400 for Kettering Borough) will be tested in Part 2 Local Plans. The Part 2 Local Plan is still some time away from being examined and adopted and therefore that testing cannot be carried out through an appeal or indeed an application. The JCS policies 11, 28 and 29 are not out of date. Therefore, the whole 'basket' of most important policies falls into this category ie not out of date and therefore the 'tilted' balance pursuant to paragraph 11 of the NPPF is not engaged in that respect.

In weighing up the planning balance the Inspector in the Gladman appeal concluded that allowing that appeal would not be in line with policy 29 of the JCS. The degree to which the proposal would exceed the requirements in Desborough is a significant factor. The housing provision for Desborough already exceeds the requirement for housing to 2031 by some distance. To further increase that supply to a point of about 39% would take it, in his judgement, to beyond a reasonable point.

However in this case, site is clearly within the town and the proposal is for a 100% affordable scheme on a brownfield site. There is an increasing need for affordable rented homes in the Borough. Latest figures show that there are currently over 700 households on the register for a suitable home to rent and over 100 households living in temporary accommodation due to being homeless. Not only is homelessness a very difficult experience for the households concerned, but it has a direct cost to the Council, who pay for the costs of temporary accommodation for homeless households from the General Fund. Extensive work has been undertaken to reduce the level of homelessness in the Borough (which reached a peak of over 230 households in temporary accommodation (TA) last year), including investing £6.5m in purchasing homes which can be used for TA and will provide a rental income back into the General Fund. So far KBC have purchased 42 homes for this purpose and a further £2m has been allocated to continue this work this financial year. Increasing the supply of new affordable homes on sites such as this, which will be available for longer-term housing, is a key part of the overall strategy to meet housing need and prevent and relieve homelessness.

There is a high need for family housing with almost 50% of registered applicants requiring a 2,3, 4 or 5 bed home. There are 168 households needing a 2 bed, 145 needed a 3 bed and 36 requiring at least 4 bedrooms. The turnover of larger house types within the existing rented stock is relatively low as people will remain in properties with children for many years. This means that new supply is crucial to meeting the needs of local households.

This site will provide a suitable mix of houses to cater to some of that need. All rents will be capped at the maximum amount that can be claimed in Housing Benefit, to ensure that the rents remain affordable for the lowest income households in the area.

Despite the Inspectors findings on the Gladman appeal, it is a material consideration that there remains a need for affordable housing within the Borough and the proposal is considered to help meet this need of the local population and satisfies the requirements of policies 28-30. The application is therefore considered sustainable and acceptable in principle.

2. Design and impact upon the character of the area and on the local Heritage Asset

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Chapter 12 of the NPPF requires development to be of a good design whilst chapter 16 refers to the conservation and enhancement of the historic environment.

Policy 2 of the JCS refers to the historic environment and seeks to protect and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance. Both policy 2 and Policy 8 of the JCS require proposal should be high quality in design and respect and enhance the character of its surroundings including the historic environment through form, scale, design and materials.

There are 9 listed buildings within the vicinity of the site, none of which are within such close proximity that their setting would be affected by the proposal.

The entrance to the site on Gold Street lies between the Manor House and a pair of modest semi-detached Victorian dwellings. The street scene is varied in character but mostly made up of two-storey dwellings. The site is located to the south of the Manor House which is a building of local interest but not statutorily listed. It comprises a two-storey building with attic rooms constructed of ironstone set under a grey slate roof. The building has been extended to the south - east (side and rear) with a glazed two-storey link attached to a two-storey addition which extends perpendicular to the main street southwards into the site. The building has been used in connection with its more recent use as offices as part of the wider industrial site. The modern extensions have diminished the architectural interest of the main part of the building on its eastern side although it still remains prominent to the west within its setting of open garden land featuring the band of TPO trees to the south.

Manor House does not form part of the proposed development site but falls within the blue line as being part of land owned or controlled by the applicant. The applicant has stated at paragraph 5.5 in their Heritage Statement that it is recommended that the principal building comprising the 18th century house be retained. Although the restoration of the Manor House would be beneficial to the local area as it is outside of the red line the LPA has no control over this through the course of the determination of this application. However as the majority of the scheme lies behind the building and would only be glimpsed from views from Gold Street it is considered that the development will not cause harm to this non -designated heritage asset nor diminish its impact the on the local area. In addition, with the removal of the recent modern additions to the building it is considered that the buildings historical integrity will be enhanced.

The proposed layout of the site comprises a single spine road with private driveways off. The majority of dwellings are semi-detached with the occasional terrace of three dwellings with a mix of house types and materials including brick and render to provide an interesting and high quality street scape. Each dwelling has 2 parking spaces. There are 2 additional spaces towards the front of the site denoted as visitor parking. Although landscaping has not been determined at this stage, the front gardens are annotated on the site layout plan to be treated with a mix of soft landscaping and hard surfaced areas for parking.

In regard to the TPO trees on the site, they are to be incorporated within the children's natural play area. They would enhance this area and provide shade and a natural environment that would be enjoyed by all local residents as well as enhancing the natural environment. During the construction phase the trees will be protected in accordance with the details as set out on the tree protection plan as submitted within the Arboricultural Assessment. Other trees on the site that are to be retained will also be protected during the construction phase as per the above tree protection plan. Aside from the band of TPO trees, there are several other mature trees within the site to be retained and the existing hedge to the western boundary of the site is to be retained. The final choice of materials and landscaping including boundary treatments will be secured by condition.

Overall, in terms of impact on the character and appearance of the site, the TPO trees and landscaping, the wider area and the impact on the local heritage asset, the proposal is considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies 2 and 8 of the JCS and Chapters 12 and 16 of the NPPF and is acceptable.

3. Impact upon residential amenity

Policy 8 of the JCS requires that development protects amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. Paragraph 127 (f) of the NPPF requires decisions to create places...with a high standard of amenity for existing and future users.

The site is surrounded by existing residential dwellings to all sides. The rear gardens of the proposed dwellings are, on average, 10 metres in depth. The garden areas of the surrounding dwellings are, on average, 24 metres deep on Alexandra Road and 13-15 metres deep on Prince Rupert Avenue. Thus, the distance between rear windows is approximately between 23-34 metres which is acceptable in terms of amenity. The new dwellings are 2-storey in height and due to the distances between these and existing properties it is not considered they will give rise to loss of residential amenity through overshadowing, loss of light or enclosure.

Nos 2 & 4 Prince Rupert Avenue and Tithe Farm Cottage are the only exceptions and are situated closer to the site boundary than other residential properties. The rear gardens of 2 & 4 Prince Rupert Avenue currently back on to one of the factory buildings giving them an outlook onto a blank wall. Given the proximity of the two dwellings to the boundary, the original site layout has been amended and the area immediately abutting the rear boundary of the two bungalows is now allocated for 8 parking spaces which will also provide an improved outlook for the occupants of the two bungalows. Tithe Farm cottage sits at right angles to the site with the west side of the property facing towards the site. The property has been extended and has two windows inserted into the west elevation one to the first floor and one on the ground floor. There would be approximately 20 metres from the rear wall of the proposed two dwellings (plots 28/29) to the side elevation of the existing property which is considered sufficient distance between the rear of one two-storey dwelling and the side of another two storey dwelling.

In terms of the standard of accommodation to be provided, Policy 30 of the JCS seeks new residential developments to be constructed to National Space Standards and meeting Category 2 of the National Accessibility Standards with a proportion meeting Category 3 of the National Accessibility Standards.

The units meet the National Described Space Standard (NDSS) for 2b3p, 3b4p and 4b5p dwellings. Under the criteria that Homes England use to determine whether or not units are eligible for grant funding (Housing Quality Indicators) the units meet the criteria for being classed as 2b4p, 3b5p and 4b6p houses. KBC Housing Development Manager has advised that, in terms of space standards, when the Government introduced NDSS, it was not introduced as a requirement for funding of non-market housing, nor did they offer any additional funding to Registered Providers (RPs) to meet NDSS if it was required by Planning Authorities. As a result, if an RP were to increase the sizes of dwellings to meet the NDSS for the higher number of bedspaces, they would not receive any additional grant and they could not increase rents to cover the extra build costs without rendering the units as potentially unaffordable for the people who would be living in them. In this regard, a pragmatic view should be undertaken. If the units can accommodate the additional bedspaces, regardless of whether they technically meet the NDSS for that size dwelling, they would be acceptable to accommodate larger households than what the NDSS state the dwelling can accommodate. This is because the standard that Homes England requires to allow the grant funding is generous enough to ensure that households are not living in unsuitable properties. Although technically the development should meet the NDSS for the larger household but given the viability issues with the site it is the officers view that the approach set out above is acceptable for this proposal.

In terms of allocating these units once they are built, the KBC Housing Development Manager has agreed that the proposed mix of homes on this site that will meet the significant need in KBC for family housing.

Overall, it is considered that the development as proposed, would have no undue impact on the existing occupiers of adjacent dwellings through loss of residential amenity and the proposed dwellings are acceptable for future occupiers in terms of internal space, design and outdoor private amenity space. The proposal is therefore considered to be in accordance with Policies, 8, 28,29 and 30 of the JCS.

4. Impact upon highway safety

Policy 8 of the JCS requires all new development to create well connected places by ensuring that it integrates well with existing cycle, pedestrian, public transport and vehicular movement networks (a.ii) and makes safe and pleasant streets by; prioritising the needs of pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety (b.i) and ensures a satisfactory means of access (b.ii).

Paragraph 108 (a-c) of the NPPF reflects policy 8 to a large degree. However, paragraph 109 states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

This application proposes to upgrade and use the existing access from Gold Street and the main internal road is to be constructed to County Council adoptable specifications. It has been demonstrated to the LHAs satisfaction that large vehicles including refuse vehicles are able to turn within the site.

The proposed development provides two parking spaces per dwelling and 8 visitor spaces located throughout the development. Although the Highways Authority have commented that there is a deficit of 2 parking spaces for visitors, it is not considered that this deficit would warrant refusal on highways grounds and the amount of parking and visitor spaces to be provided is considered sufficient.

Although there have been concerns raised by local residents and the town council as to the impact the development may have on the existing road network, given the modest scale of development and parking provision proposed, it is not considered that it would give rise to such adverse impacts on highway safety or intensification of traffic within the local area to warrant a refusal on highway grounds.

Overall it is considered that the proposal meets the LHAs guidelines for parking give rise to adverse impacts on highway safety and overall is in accordance with Policy 8 of the JCR and paragraphs 108-109 of the NPPF.

5. Flood Risk and Drainage

Policy 5 of the JCS states that development should contribute towards reducing the risk of flooding and to the protection and improvement of the quality of the water environment through a series of criteria. The approach is generally to avoid development in high risk flood areas, design the development to minimise risk against flooding and mitigate against any flood risk by incorporating suitable measures.

Chapter 14 of the NPPF sets out a similar approach to avoiding flood risk and applies a sequential risk-based approach to the location of development which is dependent on the location of the development and the vulnerability of the occupiers of a development to flooding.

The site is shown on the EAs fluvial flood mapping to lie within flood zone 1 which is land at the lowest potential risk of flooding.

A Flood Risk Assessment and Drainage Strategy has been submitted with the application which demonstrates that all surface water drainage could be adequately discharged. Northampton County Council (as Local Lead Flood Authority) advise that they have no objections subject to conditions for surface water drainage as without these, the proposed development on this site may pose an unacceptable risk of surface water flooding.

The foul drainage from this development is in the catchment of Broadholme Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water have stated that they are therefore obligated to accept the foul flows from the development and would take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. In regard to the used water network, they confirm that the sewerage system at present has available capacity for these flows.

It is considered that the proposed development would not adversely impact on water quality and would not create or exacerbate flood risk. The proposed development is therefore in accordance with Policy 5 of the JCS and chapter 14 of the NPPF.

Contamination

Policy 6 of the JCS relates to development on brownfield land and land affected by contamination. The policy requires all new development to take into account the potential environmental impacts on people, buildings, land air and water arising from the development itself and any former use of the site including, in particular, adverse effects arising from pollution. Paragraphs 178-179 of the NPPF require adequate site investigation to ensure proposed development sites are suitable for the proposed use taking into account ground conditions and any risks arising from land instability and contamination.

Due to the previous use of the site as a factory and coupled with the underlying geology present throughout Northamptonshire, a full ground investigation would be required to prevent unacceptable risks to future occupants of the site. The ecological Appraisal This requirement could be secured via condition as recommended by the Environmental Health Officer. There would also be an informative on radon as recommended by the Environmental Health Officer.

6. Ecology and Biodiversity

Policy 4 of the JCS requires protection of key assets for wildlife, protect the natural environment from adverse effects from noise, air and light pollution, to increase connectivity of habitats amongst other matters. The NPPF, at paragraph 170(b), recognises the wider benefits from natural capital and ecosystems. The weight to be applied to considerations concerning the natural environment depends on the

hierarchy of protection afforded the asset be they large areas of land protected for natural beauty or scientific purposes to local wildlife sites and protected flora and fauna and particular animal habitat.

The site has no statutory or local designations. Natural England has no comments to make on the application and has not assessed the application for impacts on protected species (as it is for LPAs to obtain their own advice on this matter).

An Ecological Appraisal was submitted as part of the application. The desk top study indicated that there had been no recorded instances of any notable or protected species within the site. Further on-site Surveys were carried out in May 2019. There were instances of bats foraging but no indication of other protected species either using the site as habitat or for foraging purposes. on the site. To mitigate for bats foraging on the site, it is recommended that light spill should be kept at a minimum particularly around the Manor House garden area. Bio-diversity enhancements also recommended include bird nesting boxes and bat boxes to be installed on boundary trees and/or south-east facing elevations of new buildings. New boundary fencing should include 15cm x 15cm cut outs at the base to allow the movement of wildlife across the site and specifically hedgehogs which are present in the locality. Native trees and hedge planting would encourage diversity amongst bird species.

The Report concludes that further surveys should be undertaken should clearance and construction works not have commenced after 18 months of the surveys being conducted. However, no further surveys or EPS licensing is considered to likely be required with respect to bat species, reptiles, great crested newts or birds for works to commence legally on site.

As there will have been a period more than 18 months between the survey report and the commencement of works it would be prudent to require an update on the ecological situation in particular with badgers. However, this can be dealt with by an Informative should badgers or any other protected species be discovered within the site.

Overall, the proposal would not give rise to harm to any notable or protected species, their habitats or foraging grounds and the mitigation measures put forward by the applicant are considered appropriate. In this regard the proposal accords with Policy 4 of the JCS and paragraph 190 of the NPPF.

7. Affordable Housing

Policy 30 of the Joint Core Strategy requires the provision of 30% affordable housing on sites of 15 or more dwellings and should be provided on site unless it can be demonstrated there are exceptional circumstances as to why this cannot be achieved. The mix of house types should reflect local need and to avoid the over-concentration of a single housing type.

In this application the proposal is for 100% affordable dwellings with a split of 50% affordable rent and 50% shared ownership. The mix of dwelling sizes reflect the local need as advised by the Housing development Manager and comprises dwellings between 2 – 4 bedrooms.

It has been identified that there is a high need for family housing with almost 50% of registered applicants requiring a 2,3, 4 or 5 bed home. There are 168 households needing a 2 bed, 145 needed a 3 bed and 36 requiring at least 4 bedrooms. The turnover of larger house types within the existing rented stock is relatively low as people will remain in properties with children for many years. This means that new supply is crucial to meeting the needs of local households.

In this case, the provision of a total of 39 affordable units, with a mix of between 2-4 bedroom dwellings of mixed tenure of shared ownership and social rent is appropriate and provides housing opportunities for local people to get on the housing ladder. The proposal therefore complies with the requirements of Policy 30 of the JCS.

Open Space

Policy 8 of the JCS requires all new development to provide open space including children's play spaces in line with Paragraph 96 of the NPPF which refers to the need to identify qualitative or quantitative deficiencies or surpluses of open space. The Council's Open Space Standards Paper (2020) sets out the Quantity, Quality and Accessibility Standards for open space in the Borough. Reference should be made to the Open Space Audit and Needs Assessment (2020) with respect to the design of the open space to ensure that the specification of the space is aligned with the appropriate Vision Statement for the type of open space to be provided. The Standards Paper provides additional recommendations which may well be appropriate depending on the open space being sought.

Calculating the Open Space Requirement Arising from New Development

Gold Street, Desborough KET/2019/0644

| OS Typology | Analysis Area Desborough & Rothwell (current provision: ha / 1000 population) | Quantity Standard (ha / 1000 population) | | Population | | No. residents in new development | | Total open space requirement (ha) |
|-------------|---|--|---|------------|---|----------------------------------|---|-----------------------------------|
| P&G | 1.52 | 1.0 | ÷ | 1000 | x | 105 | = | 0.105 |
| AGS | 0.96 | 0.92 | | | | | | 0.096 |
| NSN | -1.37 | 1.70 | | | | | | 0.178 |
| CYP | -0.06 | 0.07 | | | | | | 0.007 |
| All | -0.21 | 0.36 | | | | | | 0.037 |
| | | | | | | Total | | 0.423 |

According to the above calculation the proposal should be providing a minimum of 0.42ha of open space.

On-site provision in the form of a natural play space over an area of approximately 0.073ha with additional areas of green amenity space within the site totalling 0.084ha thus the provision of open space within the site is approximately 0.16ha of open space.

Although there is a shortage of natural and semi natural spaces, play provision and allotments in the overall Analysis Area. However, Hall Farm Pocket Park is reasonably close by so the new population would have access to open space with a natural feel. Under these circumstances it is considered that the on-site provision provided as amenity green space featuring natural play equipment (the Council's preferred approach to play provision in the Borough) would offset the deficit of play space in the Analysis Area.

The applicant has agreed to provide natural play equipment but details have not yet been forthcoming. Therefore it is considered prudent to impose a condition requiring the details of such play equipment and its maintenance to be provided prior to first occupation of any dwelling within the site in order to ensure that the play area is provided and equipped as proposed.

There is also a requirement for the Public Open Space to be offered up for adoption by the Local Authority and the calculation of cost forms part of the S106 Agreement.

Conclusion

Subject to the attached conditions, the proposed residential development for a 100% affordable scheme comprising 39 dwellings with access, parking and associated works is considered appropriate for the site. The development would not have an adverse impact on the amenity of surrounding residential occupiers and would provide a good standard of amenity for future occupiers. The proposal would not have an adverse impact on highway safety and would provide sufficient car parking provision to serve the future occupiers.

The Financial Viability Assessment has concluded that there are no funds available for contributions towards education or community facilities. Although regrettable, on balance the provision of 39 affordable dwellings of mixed tenure is considered a sustainable development. The provision for adoption of the POS would be dealt with through the S106 Agreement.

On balance, the proposed development would comply with the NPPF, Local Plan policy 35 and the North Northants Joint Core Strategy policies 4, 5, 8, 10, 11, 29 and 30 and the recommendation is to approve.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Carol Grant, Development Officer on 01536 534316

BOROUGH OF KETTERING

| | | |
|--------------------------|--|--|
| Committee | Full Planning Committee - 15/12/2020 | Item No: 5.3 |
| Report Originator | Louisa Johnson Development Officer | Application No: KET/2020/0305 |
| Wards Affected | Barton | |
| Location | 76 St Botolphs Road (land adjoining), Barton Seagrave | |
| Proposal | Outline Application: Outline application with all matters reserved except access for 1 no. two storey detached dwelling with parking and access | |
| Applicant | Mr O Wicksteed, Wicksteed Trust | |

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. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. The dwellinghouse hereby approved shall be a maximum of two storeys in height.
REASON: To ensure compliance with the terms of the application and to ensure that the development respects the character of its surroundings in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. 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 demolition and construction works.
REASON: Details are required prior to the commencement of development because demolition and construction management occur early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
(i) fieldwork in accordance with the agreed written scheme of investigation;
(ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
REASON: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy and NPPF Paragraph 199.

9. No earthworks or groundworks shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
REASON: Finished Floor Levels are necessary to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of ecological enhancements and landscaping which shall be accordance with the recommendations set out in the approved Preliminary Ecological Assessment by Skilled Ecology Consultancy Ltd Updated October 2020. The scheme shall include bird and bat boxes, native and wildlife attractive planting and native trees and shrubs; the scheme shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any 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 biodiversity and appearance of the site in the interests of biodiversity and visual amenity in accordance with Policies 4 and 8 of the North Northamptonshire Core Spatial Strategy.

11. No development or site clearance works shall take place on the site until a scheme for the protection of all trees to be retained produced in accordance with BS5837 (Trees in Relation to design, demolition and construction 2012: Recommendations) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method of excavation, method of construction and protective fencing. The development shall not be carried out other than in accordance with the approved details and the protection measures shall be maintained throughout the development.

REASON: To avoid detriment to trees to be retained in the interests of visual amenity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

12. No development above slab level shall take place on site until a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall 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 energy efficiency and sustainable construction in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

13. No development shall take place until a surface water drainage scheme for the site, has 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 first occupation.

REASON: To reduce the risk of flooding both on and off site in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

14. No other development shall commence until visibility splays of 2 metres by 2 metres have been provided within the site at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

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

15. The gradient of the drive shall not exceed 1 in 15 within 5 metres of the edge of the carriageway of the adjoining highway.

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

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.

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.

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

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

18. 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 first occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

19. No development above slab level shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the first occupation of the dwellinghouse hereby approved.

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

20. No development above slab level shall take place on site until full details of proposed parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the dwelling and retained as approved thereafter.

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

21. No development above slab level shall take place on site until full details of proposed refuse storage and a refuse collection point have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the dwelling and retained as approved thereafter.

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

22. No demolition or site clearance works shall occur during the bird nesting season which would result in disturbance or loss of habitat of nesting birds; the bird nesting season runs between the months of March and August.

REASON: In the interests of safeguarding biodiversity in compliance with the requirements of Policy 8 of the Joint Core Strategy.

Officers Report for KET/2020/0305

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

3.0 Information

Relevant Planning History

KET/2020/0320 - Outline application with all matters reserved except access for 1 no. two storey detached dwelling with parking and access - Pending

Site Visit

Officer's site inspection was carried out on 29th October 2020.

Site Description

The application site comprises a small paddock situated between 2 Polwell Lane and 76 St Botolphs Road, Barton Latimer. The application site is positioned along the western side of the road and forms a gap with residential development to the north and south in a linear development.

Directly to the rear of the site is the Castle Fields Scheduled Ancient Monument (referred to as 'Barton Seagrave moats, fishponds and shrunken medieval village remains') and part of the site falls within the boundary of Castle Fields.

Proposed Development

The application seeks Outline planning permission with all matters reserved except access for 1 no. dwelling.

Any Constraints Affecting the Site

Affects a Scheduled Ancient Monument (SAM)
Castle Fields Natural / Semi-Natural Open Space

4.0 Consultation and Customer Impact

Barton Seagrave Parish Council

No objection subject to the development being limited to one dwelling on the plot, a full tree and hedgerow survey at the rear of the site and an archaeologist being on site during construction works.

Historic England

This outline application for the erection of a two storey detached dwelling with parking and access (all matters reserved except access) is located immediately adjacent to and within the setting of scheduled monument 'Barton Seagrave moats, fishponds and shrunken village remains' (National Heritage List for England 1013320).

The scheduled monument consists of the earthwork and buried archaeological remains of two moated enclosures, fishponds and associated water management features, and wider settlement remains representing the shrunken medieval village of Barton Seagrave. The moats, fishponds and village remains at Barton Seagrave

provide evidence of the changing patterns of medieval farming settlements in the county.

Past investigations have shown that non-designated archaeological remains relating to the scheduled monument extend beyond the monument boundary. The Archaeological Trial Trench Evaluation Report submitted with the application has identified archaeological remains within the application site which may have formed part of the earthworks relating to the scheduled monument. Such archaeological remains would contribute to our understanding of the monument and how it functioned within the landscape. They would therefore make a positive contribution to the significance of the scheduled monument.

The construction of foundations and associated ground works for the proposed dwelling are likely to result in the loss or damage of any such non-designated archaeological remains in that area. The proposals would therefore cause a degree of harm to the significance that the scheduled monument derives from its setting. In determining this application, your authority should weigh any harm arising from the proposal against the public benefits in accordance with National Planning Policy Framework paragraph 196.

If minded to approve this application, we recommend that your authority seek to avoid and minimise harm at Reserved Matters stage further to NPPF 190.

We would advise that your authority is guided by the recommendations of the Assistant Archaeological Advisor at Northamptonshire County Council in respect of mitigation of impact to, and treatment of any non-designated archaeological remains within the development site.

NCC Archaeology

The site is located on the western side of Polwell Lane/St Botolphs Road and to the south of no.76. It is situated immediately adjacent to the eastern edge of a Scheduled Monument which includes moated enclosures, fishponds and deserted medieval settlement remains. Multi-period activity has been identified by archaeological investigations to the south.

The proposed development will have a detrimental impact upon any archaeological deposits present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. Therefore a condition securing a archaeological programme of works as per NPPF paragraph 199 is required.

NCC Ecology

From the ecological survey report demonstrates that the biodiversity impacts should be negligible. To provide some biodiversity enhancement the recommendations for a suite of nest boxes as described in section 5.2.2 of the report should be secured.

The Wildlife Trust

The Preliminary Ecology Assessment is acceptable and no objection to the conclusion that the land proposed for development in holds no significant wildlife value. No objection subject to the net gain proposals, which the Preliminary Ecology Assessment says are necessary to comply with the NPPF, are secured by condition. In this case specifically:

- Provision of the bird and bat boxes specified;
- All new soft landscaping for the proposed development will be native and wildlife attracting. Any areas requiring new grass seeding should use a wildflower meadow seed mix such as EM1 from Emorsgate Seeds.
- Native trees and shrubs will be used in the landscaping to form a hedgerow and/or be grouped together for the greatest advantage to local wildlife.

Neighbours

None received at time of writing

5.0 Planning Policy

National Planning Policy Framework 2019

Policy 2: Achieving a sustainable development

Policy 5: Delivering a sufficient supply homes

Policy 12: Achieving well designed places

Policy 15: Conserving and enhancing the natural environment

Policy 16: Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy July 2016

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Historic Environment

Policy 3: Landscape character

Policy 4: Biodiversity and geodiversity

Policy 6: Development on brownfield land and land affected by contamination

Policy 7: Community Services and Facilities

Policy 8: Place shaping

Policy 9: Sustainable buildings

Policy 11: The network of urban and rural areas

Policy 19: The Delivery of Green Infrastructure

Policy 29: Distribution of new homes

Policy 30: Housing mix and tenure

Local Plan Policy:

Policy 35: Housing: Within Towns

Emerging Policy:

Emerging Site Specific Part 2 Local Plan

Policy NEH4: Open Spaces

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

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

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

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. The Principle of Development
2. Impact on heritage assets
3. Open Space and Green infrastructure corridor
4. Character and Appearance
5. Residential Amenity
6. Parking and Highway Safety
7. Contaminated Land
8. Impact on biodiversity
9. Energy Efficiency and Sustainable Design
10. Other Matters

1. The principle of Development

The application has been made for outline planning permission for 1 no. dwelling with all matters reserved for future determination except access. The application is therefore primarily concerned with establishing the principle of development.

The site comprises a small paddock occasionally used for grazing within the town boundary. The site is visually and physical divorced from the parkland landscape to the rear by fencing and a tree'd rear boundary.

The National Planning Policy Framework sets out the principles for sustainable development which seek to ensure that places to live are created in locations which make the best and most efficient use of land, adopt high quality design standards respecting and enhancing the character of their surroundings, not result in unacceptable impact on the amenities of neighbouring properties or the wider area and not adversely impact on highway safety or the highway network.

Paragraphs 124, 127 and 128 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

Saved policy 35 of the Local Plan states that 'Planning permission will normally be granted for proposals for residential development within the towns, defined by the Town Inset boundaries shown on the Proposals Map, where the proposal is compatible with other policies and proposals in this Plan.' The site is located within the Barton Seagrave boundary.

Policy 8 of the NNJCS seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area.

Policy 29 of the NNJCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'

Policy 30 of the NNJCS states that 'the mix of house types within a development should reflect: The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people.'

The site is designated as open space as shown on the Kettering Proposals Map accompanying the Site Specific Part 2 Local Plan and falls within the Ise Valley sub regional green infrastructure corridor.

Emerging Policy NEH4 of the Site Specific Part 2 Local Plan states that: The stability of the open space network will not be compromised by new development. It will be recognised as natural capital for its important contribution to the health and well-being of people, the welfare of wildlife and for the provision of ecosystem services. Individual open spaces identified on the Policies Map will be protected and their

features enhanced. Where possible these spaces will be preserved from development that harm their primary function and where applicable, ecological value.

When considering the loss and / or a change of use of an open space, proposals will be assessed against the criteria set out by Policy 7 of the NNJCS.'

Policy 7 of the NNJCS states that:

Development should support and enhance community services and facilities, where appropriate by:

- d) Not resulting in a net loss of open space, allotments, sports and recreation buildings and land, including playing fields unless:
 - i. The facility is surplus to requirements; or
 - ii. A site of equivalent quality and accessibility can be provided, serviced and made available to the community prior to use of the existing site ceasing; or
 - iii. The development is for alternative sports and recreation provision, the need for which clearly outweighs the loss.

Policy 19 of the NNJCS states that:

The special mixed urban and rural character of North Northamptonshire will be maintained and enhanced by:

- b) Safeguarding identified sub-regional green infrastructure corridors by:
 - i. Not permitting development that compromises their integrity and therefore that of the overall green infrastructure network;
 - ii. Using developer contributions to facilitate improvements to their quality and robustness;
 - iii. Investing in enhancement and restoration where opportunities exist.

The site is located within Barton Seagrave limits, in an established residential area where generally the principle of residential development is considered acceptable.

The proposal is consistent with Policy 35 of the Local Plan and Policies 11 and 29 of the JCS that permits housing development within the confines of the Town in the interests of sustainable development and protection of rural areas. This approach is in accordance with the golden thread of the NPPF that seeks a sustainable pattern of development.

The development is considered against the relevant open space and green infrastructure policies in more detail below.

2. Impact on heritage assets

Policy 2 of the JCS seeks to protect, preserve and where appropriate enhance heritage assets and their setting. This policy approach is derived from Chapter 16 of the NPPF which states that decisions should take account of *the desirability of sustaining and enhancing the significance of heritage assets*.

The proposed development is located primarily within the setting of the Castle Fields Scheduled Monument, which comprises the remains of moats, fishponds and a shrunken medieval settlement. Hence the proposal has the potential to affect its

significance through direct physical impacts, through loss or damage to non-designated archaeological remains within its setting, and through the intrusion of the appearance of this modern development in views from, to or within the scheduled area.

The Site is currently read as scrub land which forms part of the street scene, with no obvious visual correlation with the designated heritage asset to the rear due to the tree'd rear boundary. It does not enhance the wider setting of the Conservation Area or the Castle Fields Scheduled Monument.

In order to assess the impact of the development, the proposal was supported by an 'Archaeological Evaluation' report and a 'Heritage Settings Assessment'.

Historic England states that 'The Archaeological Trial Trench Evaluation Report submitted with the application has identified archaeological remains within the application site which may have formed part of the earthworks relating to the scheduled monument. Such archaeological remains would contribute to our understanding of the monument and how it functioned within the landscape. They would therefore make a positive contribution to the significance of the scheduled monument.'

The construction of foundations and associated ground works for the proposed dwelling are likely to result in the loss or damage of any such non-designated archaeological remains in the area. Historic England considers that any harm arising from the proposal should be weighed against the public benefit in accordance with National Planning Policy Framework paragraph 196.

Paragraph 196 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Historic England advises that we are guided by the recommendations of the Assistant Archaeological Advisor at Northamptonshire County Council in respect of mitigation of impact to, and treatment of any non-designated archaeological remains within the development site.

Having considered the submitted reports the County Archaeologist opined that whilst the development would have an impact on archaeological deposits that these could be suitably investigated and recorded so as not to represent an over-riding constraint to development.

As such and consistent with paragraph 199 of the NPPF a suitably worded condition requiring the prior approval of a written scheme of investigation could be attached to safeguard any archaeological deposits. Thereby the direct physical impact of the proposal on non-designated archaeological remains has been suitably addressed by the application and through the imposition of conditions.

Moving on to the impact of the development to the setting of a Schedule Ancient Monument; before assessing the impact, it is a requirement of paragraph 190 of the

NPPF to apportion a level of significance to the asset. The Scheduled Monument of Barton Seagrave moats, fishponds and shrunken medieval village remains comprise a heritage asset of 'the highest significance' as defined by the NPPF and are well-preserved and provide evidence of the changing patterns of medieval farming settlements in the Northamptonshire countryside.

A previous 'Heritage Settings Assessment' submitted with application KET/2016/0382 for 1 dwelling to the rear of 2 Polwell Lane stated that 'the key elements of the moated village are best experienced from within its northern section and relate to its historic relationship with the medieval settlement, church and agricultural landscape. This relationship is partially eroded by the existing twentieth-century development along the eastern boundary of the Scheduled Ancient Monument (SAM).' The proposal will form part of this area of modern development on the edge of the SAM and within a portion of the SAM that has become detached from the bulk of the overgrown SAM by a strong rear boundary.

The Heritage Settings Assessment submitted with the application states that these key elements will remain unaffected in the proposal of 2no. residential infill dwellings which will extend the run of development along St. Botolph's Road as the Site is read as part of the street scene rather than as part of Castle Fields due to its enclosed nature.

Historic England has not raised any objection regarding the Assessment. As such and with no reason to adopt a different approach the principle of proposing a residential property at this location is not considered to harm the significance of the Heritage Asset.

Therefore the proposal is considered to be acceptable in regard to its impact on the historic environment subject to suitably worded conditions in accordance with policy 2 of the North Northamptonshire Joint Core Strategy.

3. Open space and Green infrastructure corridor

The site is designated as open space as shown on the Kettering Proposals Map accompanying the Site Specific Part 2 Local Plan and falls within the Ise Valley sub regional green infrastructure corridor.

The site was identified as natural / semi-natural open space, as identified in the Audit and Needs assessment of the Borough's open space and the Open Space Standards Paper. There is currently no deficit in natural / semi-natural open space and there is a 2ha surplus.

Given this it is considered that the site is surplus to requirements as set out in Policy 7 which states that: Development should support and enhance community services and facilities, where appropriate by:

- d) Not resulting in a net loss of open space, allotments, sports and recreation buildings and land, including playing fields unless:
 - i. The facility is surplus to requirements;

The site falls within the Ise Valley sub regional green infrastructure corridor and development located within the GI network will be expected to contribute towards its enhancement.

Policy 19 of the NNJCS states that: The special mixed urban and rural character of North Northamptonshire will be maintained and enhanced by:

- b) Safeguarding identified sub-regional green infrastructure corridors by:
 - i. Not permitting development that compromises their integrity and therefore that of the overall green infrastructure network;
 - ii. Using developer contributions to facilitate improvements to their quality and robustness;
 - iii. Investing in enhancement and restoration where opportunities exist.

Emerging Policy NEH2 of the Site Specific Part 2 Local Plan states that: To ensure the protection, enhancement and development of the open space network:

- ii Existing connections from open spaces into the local community and / or with the open space network and / or to green infrastructure corridors will be, wherever achievable, preserved and improved to create routes that promote freedom of movement for pedestrians and cyclists.

It is considered that the change of use of the site from open space to residential use would not compromise the integrity of the green infrastructure corridor subject to appropriate connections from that development back into castle fields and green infrastructure. This is addressed in conditions securing ecological and landscaping enhancements and boundary treatments.

Therefore the proposal is considered to be acceptable in regard to its impact on open space and the green infrastructure corridor and network subject to suitably worded conditions in accordance with policies 7 and 19 of the North Northamptonshire Joint Core Strategy and Emerging Policy NEH2 of the Site Specific Part 2 Local Plan.

4. Character and appearance

This application relates to a proposal for 1 no. dwellinghouse with all matters except access reserved. Appearance, landscaping, layout and scale are reserved for subsequent detailed consideration, but the illustrative site plan – KA34457_PL_02 A received as part of this submission, allows some consideration of character and appearance to be assessed in terms of surrounding development and the wider street scene.

The site is located on Polwell Lane in an established residential area and forms part of a small paddock between 2 Polwell Lane and 76 St Botolphs Road.

The area has a mix of properties ranging from large detached properties, semi-detached pairs and small rows of terraced properties with a variety of plot sizes. Most properties are two storey and are set back from the highway edge with driveways and off-street parking.

The application site measures approximately 17m wide and 37m deep which is fairly similar to the density and plot size of surrounding development.

Although the proposal is in outline with all matters except access reserved, it is considered that the plot size is of adequate size to accommodate 1 no. two-storey dwellinghouse to the same density as surrounding development, the character and appearance of which can be determined at the detailed design stage when the reserved matters of appearance, layout and scale are determined.

To ensure the subsequent reserved matters applications are reflective of the surrounding character, conditions will be added requiring the submission of materials and to restrict the maximum number of storeys of the proposed dwellinghouses to two.

As such, subject to consideration of a detailed scheme, 1 no. proposed dwellinghouse could comply with Policy 8 of the North Northamptonshire Joint Core Strategy in that it would respond to the site's immediate and wider context and local character.

5. Residential Amenity

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

The site shares a side boundary with 76 St Botolphs Road, the proposed dwelling would be approximately 1.4m from the boundary with no. 76.

No. 76 St Botolphs Road is a two-storey end of row house with one window at ground floor level and one small obscure glazed window at first floor level in the side elevation.

Given this it is considered that the reserved matters of layout and scale will ensure the proposed dwellinghouse is located such that there are no issues of overlooking or loss of privacy to adjacent neighbours at 76 St Botolphs Road.

The proposed dwelling would be approximately 4m from the other side boundary which would be shared with the dwelling proposed under application KET/2020/0320. It is considered that the reserved matters of layout and scale will ensure the proposed dwellinghouses are located such that there are no issues of overlooking or loss of privacy between the two proposed dwellings.

It is considered that the site is of sufficient size to be able to accommodate the 1 no. proposed dwellinghouse, subject to the detailed reserved matters of layout and scale securing the siting and orientation in relation to neighbouring properties and the path of the sun, to ensure there is no adverse impact on the amenities of surrounding and future occupiers in terms of a loss of daylight, sunlight, a loss of privacy and overlooking or a sense of enclosure.

As such, subject to detailed consideration the proposal complies with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 12 of the National Planning Policy Framework.

6. Parking and Highway Safety

The site would be accessed off a slip road off Polwell Lane and would require a new access off this slip road. This slip road section is an unclassified road, therefore planning permission would not be required for the provision of a new dropped kerb. Although visibility splays have not been demonstrated, it is considered that, subject to the detailed site layout, the site is of sufficient size that this could be achieved in accordance with the guidance within the Local Highway Authority Standing Advice (June 2016), without adversely impacting on the highway network or highway safety.

The prevailing character for the area is for off-street parking and the submitted illustrative site plan demonstrates that the site is of adequate size to provide at least 2 no. parking spaces. Guidance provided in the Northamptonshire Parking Standards (September 2016), advises that 3 bed houses should have 2 spaces plus 1 visitor space.

The precise design, scale and layout of car parking requirements can be agreed at the detailed reserved matters application stage.

As such, subject to the satisfactory submission of details for approval under a reserved matters application, the proposal conforms to Policy 8 of the North Northamptonshire Joint Core Strategy which requires new development not to have an adverse impact on the highway network and highway safety, in accordance with Local Highway Authority standards.

7. Contaminated Land

Policy 6 of the North Northamptonshire Joint Core Strategy requires new development to be mitigated by remediation strategies in the event of any land contamination.

Paragraphs 170 and 178 in Policy 15 of the National Planning Policy Framework (NPPF) require the remediation and mitigation of unstable land and that which is affected by contamination.

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use.

Environmental Health have requested a unexpected contamination condition and an informative regarding naturally occurring Radon in the interests of human health, property and the wider environment in accordance with paragraphs 170 and 178 of the NPPF which requires development to enhance the local environment by remediating and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990.

Therefore the proposal would be acceptable in regard to contaminated land subject to an appropriately worded condition and informative in a accordance with policy 6 of the North Northamptonshire Joint Core Strategy.

8. Impact on Biodiversity

Policy 4 of the North Northamptonshire Joint Core Strategy, consistent with Policy 15 of the National Planning Policy Framework seeks to provide a net gain in biodiversity through new development.

A Preliminary Ecological Assessment (PEA) was submitted to support the application.

The site is incorporated into the Local Wildlife Site (LWS) Castle Field. Castle Field is a small group of earthworks with scrub on the higher areas and horse grazed grassland over most of the field. On the whole the grassland is low in botanical diversity, though patches of wet meadow are present including breeding dragonflies.

The Ecological Assessment found no signs or evidence of bat activity on the site and there were no signs or evidence of any other protected, priority or rare mammals on or adjacent to the site. There were no local ponds with habitat connectivity to the site identified. The assessment identified low level nesting by common bird species within the western boundary trees/shrubs.

The Ecological Assessment made a number of recommendations to ensure that the development complies with the requirements of the NPPF:

- Provision of bird and bat boxes;
- All new soft landscaping for the proposed development will be native and wildlife attracting. Any areas requiring new grass seeding should use a wildflower meadow seed mix such as EM1 from Emorsgate Seeds.
- Native trees and shrubs will be used in the landscaping to form a hedgerow and/or be grouped together for the greatest advantage to local wildlife.

To facilitate the proposed development the site will need to be cleared of all interior vegetation. None of the trees on site are the subject of a Tree Preservation Order or of a high amenity value, and it is considered that the proposed development will not adversely impact upon the visual quality of the local area.

The Northampton County Council Ecologist and the Wildlife Trust have raised no objection subject to the proposed biodiversity enhancement recommendations being secured by condition.

As such, subject to an appropriately worded condition the proposal is considered to be in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy and Policy 15 of the National Planning Policy Framework.

9. Energy Efficiency and Sustainable Design

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

Policy 30 of the North Northamptonshire Joint Core Strategy requires new development to meet Category 2 of the proposed National Accessibility Standards

as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities.

As this application is in Outline with all matters reserved for later consideration, no details have been submitted and as such, information in this regard can be required by condition when considering the reserved matters of appearance, layout and scale at a subsequent application.

10. Other Matters

The site is not located near a main watercourse and as such there is no reason to believe that the proposal would give rise to flooding issues. A drainage strategy to manage surface water run-off within and at the site will be considered in full at a detailed reserved matters submission.

Conclusion

The proposal complies with policies in the development plan and with national planning objectives. Notwithstanding the indicative plans provided, the principle of development is considered to be acceptable in this instance, subject to the imposition of suitable conditions and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

BOROUGH OF KETTERING

| | | |
|--------------------------|--|--|
| Committee | Full Planning Committee - 15/12/2020 | Item No: 5.4 |
| Report Originator | Louisa Johnson Development Officer | Application No: KET/2020/0320 |
| Wards Affected | Barton | |
| Location | 2 Polwell Lane (land adj), Barton Seagrave | |
| Proposal | Outline Application: Outline application with all matters reserved except access for 1 no. dwelling | |
| Applicant | Mr O Wicksted, Wicksted Trust | |

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. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. The dwellinghouse hereby approved shall be a maximum of two storeys in height.
REASON: To ensure compliance with the terms of the application and to ensure that the development respects the character of its surroundings in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. 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 demolition and construction works.
REASON: Details are required prior to the commencement of development because demolition and construction management occur early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
(i) fieldwork in accordance with the agreed written scheme of investigation;
(ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
REASON: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy and NPPF Paragraph 199.

9. No earthworks or groundworks shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
REASON: Finished Floor Levels are necessary to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of ecological enhancements and landscaping which shall be accordance with the recommendations set out in the approved Preliminary Ecological Assessment by Skilled Ecology Consultancy Ltd Updated October 2020. The scheme shall include bird and bat boxes, native and wildlife attractive planting and native trees and shrubs; the scheme shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any 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 biodiversity and appearance of the site in the interests of biodiversity and visual amenity in accordance with Policies 4 and 8 of the North Northamptonshire Core Spatial Strategy.

11. No development or site clearance works shall take place on the site until a scheme for the protection of all trees to be retained produced in accordance with BS5837 (Trees in Relation to design, demolition and construction 2012: Recommendations) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method of excavation, method of construction and protective fencing. The development shall not be carried out other than in accordance with the approved details and the protection measures shall be maintained throughout the development.

REASON: To avoid detriment to trees to be retained in the interests of visual amenity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

12. No development above slab level shall take place on site until a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall 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 energy efficiency and sustainable construction in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

13. No development shall take place until a surface water drainage scheme for the site, has 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 first occupation.

REASON: To reduce the risk of flooding both on and off site in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

14. No other development shall commence until visibility splays of 2 metres by 2 metres have been provided within the site at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

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

15. The gradient of the drive shall not exceed 1 in 15 within 5 metres of the edge of the carriageway of the adjoining highway.

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

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.

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.

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

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

18. 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 first occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

19. No development above slab level shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the first occupation of the dwellinghouse hereby approved.

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

20. No development above slab level shall take place on site until full details of proposed parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the dwelling and retained as approved thereafter.

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

21. No development above slab level shall take place on site until full details of proposed refuse storage and a refuse collection point have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the dwelling and retained as approved thereafter.

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

22. No demolition or site clearance works shall occur during the bird nesting season which would result in disturbance or loss of habitat of nesting birds; the bird nesting season runs between the months of March and August.

REASON: In the interests of safeguarding biodiversity in compliance with the requirements of Policy 8 of the Joint Core Strategy.

Officers Report for KET/2020/0320

This application is reported for Committee decision because there are unresolved, material objections to the proposal and because a ward member has asked for it to be considered.

3.0 Information

Relevant Planning History

KET/2020/0305 - Outline application with all matters reserved except access for 1 no. two storey detached dwelling with parking and access - Pending

Site Visit

Officer's site inspection was carried out on 29th October 2020.

Site Description

The application site comprises a small paddock situated between 2 Polwell Lane and 76 St Botolphs Road, Barton Latimer. The application site is positioned along the western side of the road and forms a gap with residential development to the north and south in a linear development.

Directly to the rear of the site is the Castle Fields Scheduled Ancient Monument (referred to as 'Barton Seagrave moats, fishponds and shrunken medieval village remains') and part of the site falls within the boundary of Castle Fields.

Proposed Development

The application seeks Outline planning permission with all matters reserved except access for 1 no. dwelling.

Any Constraints Affecting the Site

Affects a Scheduled Ancient Monument (SAM)
Castle Fields Natural / Semi-Natural Open Space

4.0 Consultation and Customer Impact

Barton Seagrave Parish Council

No objection subject to the development being limited to one dwelling on the plot, a full tree and hedgerow survey at the rear of the site and an archaeologist being on site during construction works.

Historic England

This outline application for the erection of a two storey detached dwelling with parking and access (all matters reserved except access) is located immediately adjacent to and within the setting of scheduled monument 'Barton Seagrave moats, fishponds and shrunken village remains' (National Heritage List for England 1013320).

The scheduled monument consists of the earthwork and buried archaeological remains of two moated enclosures, fishponds and associated water management features, and wider settlement remains representing the

shrunk medieval village of Barton Seagrave. The moats, fishponds and village remains at Barton Seagrave provide evidence of the changing patterns of medieval farming settlements in the county.

Past investigations have shown that non-designated archaeological remains relating to the scheduled monument extend beyond the monument boundary. The Archaeological Trial Trench Evaluation Report submitted with the application has identified archaeological remains within the application site which may have formed part of the earthworks relating to the scheduled monument. Such archaeological remains would contribute to our understanding of the monument and how it functioned within the landscape. They would therefore make a positive contribution to the significance of the scheduled monument.

The construction of foundations and associated ground works for the proposed dwelling are likely to result in the loss or damage of any such non-designated archaeological remains in that area. The proposals would therefore cause a degree of harm to the significance that the scheduled monument derives from its setting. In determining this application, your authority should weigh any harm arising from the proposal against the public benefits in accordance with National Planning Policy Framework paragraph 196.

If minded to approve this application, we recommend that your authority seek to avoid and minimise harm at Reserved Matters stage further to NPPF 190.

We would advise that your authority is guided by the recommendations of the Assistant Archaeological Advisor at Northamptonshire County Council in respect of mitigation of impact to, and treatment of any non-designated archaeological remains within the development site.

NCC Archaeology

The site is located on the western side of Polwell Lane/St Botolphs Road and to the south of no.76. It is situated immediately adjacent to the eastern edge of a Scheduled Monument which includes moated enclosures, fishponds and deserted medieval settlement remains. Multi-period activity has been identified by archaeological investigations to the south.

The proposed development will have a detrimental impact upon any archaeological deposits present. This does not however represent an overriding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. Therefore a condition securing an archaeological programme of works as per NPPF paragraph 199 is required.

NCC Ecology

From the ecological survey report demonstrates that the biodiversity impacts should be negligible. To provide some biodiversity enhancement the recommendations for a suite of nest boxes as described in section 5.2.2 of the report should be secured.

Wildlife Trust

The Preliminary Ecology Assessment is acceptable and no objection to the conclusion that the land proposed for development in holds no significant wildlife value. No objection subject to the net gain proposals, which the Preliminary Ecology Assessment says are necessary to comply with the NPPF, are secured by condition. In this case specifically:

- Provision of the bird and bat boxes specified;
- All new soft landscaping for the proposed development will be native and wildlife attracting. Any areas requiring new grass seeding should use a wildflower meadow seed mix such as EM1 from Emorsgate Seeds.
- Native trees and shrubs will be used in the landscaping to form a hedgerow and/or be grouped together for the greatest advantage to local wildlife.

Neighbours

One letter of objection has been received on the grounds that the proposed house would be too close to the boundary with 2 Polwell Lane and the trees on this property and would encroach on the privacy of this property.

5.0 Planning Policy

National Planning Policy Framework 2019

Policy 2: Achieving a sustainable development

Policy 5: Delivering a sufficient supply homes

Policy 12: Achieving well designed places

Policy 15: Conserving and enhancing the natural environment

Policy 16: Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy July 2016

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Historic Environment

Policy 3: Landscape character

Policy 4: Biodiversity and geodiversity

Policy 6: Development on brownfield land and land affected by contamination

Policy 7: Community Services and Facilities

Policy 8: Place shaping

Policy 9: Sustainable buildings

Policy 11: The network of urban and rural areas

Policy 19: The Delivery of Green Infrastructure

Policy 29: Distribution of new homes

Policy 30: Housing mix and tenure

Local Plan Policy:

Policy 35: Housing: Within Towns

Emerging Policy:

Emerging Site Specific Part 2 Local Plan

Policy NEH4: Open Spaces

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

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

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

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. The Principle of Development
2. Impact on heritage assets
3. Open Space and Green Infrastructure Corridor
4. Character and Appearance
5. Residential Amenity
6. Parking and Highway Safety

7. Contaminated Land
8. Impact on biodiversity
9. Energy Efficiency and Sustainable Design
10. Other Matters

1. The principle of Development

The application has been made for outline planning permission for 1 no. dwelling with all matters reserved for future determination except access. The application is therefore primarily concerned with establishing the principle of development.

The site comprises a small paddock occasionally used for grazing within the town boundary. The site is visually and physical divorced from the parkland landscape to the rear by fencing and a tree'd rear boundary.

The National Planning Policy Framework sets out the principles for sustainable development which seek to ensure that places to live are created in locations which make the best and most efficient use of land, adopt high quality design standards respecting and enhancing the character of their surroundings, not result in unacceptable impact on the amenities of neighbouring properties or the wider area and not adversely impact on highway safety or the highway network.

Paragraphs 124, 127 and 128 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

Saved policy 35 of the Local Plan states that 'Planning permission will normally be granted for proposals for residential development within the towns, defined by the Town Inset boundaries shown on the Proposals Map, where the proposal is compatible with other policies and proposals in this Plan.' The site is located within the Barton Seagrave boundary.

Policy 8 of the NNJCS seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area.

Policy 29 of the NNJCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'

Policy 30 of the NNJCS states that 'the mix of house types within a development should reflect: The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people.'

The site is designated as open space as shown on the Kettering Proposals Map accompanying the Site Specific Part 2 Local Plan and falls within the Ise Valley sub regional green infrastructure corridor.

Emerging Policy NEH4 of the Site Specific Part 2 Local Plan states that: ‘The stability of the open space network will not be compromised by new development. It will be recognised as natural capital for its important contribution to the health and well-being of people, the welfare of wildlife and for the provision of ecosystem services. Individual open spaces identified on the Policies Map will be protected and their features enhanced. Where possible these spaces will be preserved from development that harm their primary function and where applicable, ecological value.

When considering the loss and / or a change of use of an open space, proposals will be assessed against the criteria set out by Policy 7 of the NNJCS.’

Policy 7 of the NNJCS states that: ‘Development should support and enhance community services and facilities, where appropriate by:

- d) Not resulting in a net loss of open space, allotments, sports and recreation buildings and land, including playing fields unless:
 - i. The facility is surplus to requirements; or
 - ii. A site of equivalent quality and accessibility can be provided, serviced and made available to the community prior to use of the existing site ceasing; or
 - iii. The development is for alternative sports and recreation provision, the need for which clearly outweighs the loss.’

Policy 19 of the NNJCS states that:

‘The special mixed urban and rural character of North Northamptonshire will be maintained and enhanced by:

- b) Safeguarding identified sub-regional green infrastructure corridors by:
 - i. Not permitting development that compromises their integrity and therefore that of the overall green infrastructure network;
 - ii. Using developer contributions to facilitate improvements to their quality and robustness;
 - iii. Investing in enhancement and restoration where opportunities exist.’

The site is located within Barton Seagrave limits, in an established residential area where generally the principle of residential development is considered acceptable.

The proposal is consistent with Policy 35 of the Local Plan and Policies 11 and 29 of the JCS that permits housing development within the confines of the Town in the interests of sustainable development and protection of rural areas. This approach is in accordance with the golden thread of the NPPF that seeks a sustainable pattern of development.

The development is considered against the relevant open space and green infrastructure policies in more detail below.

2. Impact on heritage assets

Policy 2 of the JCS seeks to protect, preserve and where appropriate enhance heritage assets and their setting. This policy approach is derived from Chapter 16 of the NPPF which states that decisions should take account of *the desirability of sustaining and enhancing the significance of heritage assets*.

The proposed development is located primarily within the setting of the Castle Fields Scheduled Monument, which comprises the remains of moats, fishponds and a shrunken medieval settlement. Hence the proposal has the potential to affect its significance through direct physical impacts, through loss or damage to non-designated archaeological remains within its setting, and through the intrusion of the appearance of this modern development in views from, to or within the scheduled area.

The Site is currently read as scrub land which forms part of the street scene, with no obvious visual correlation with the designated heritage asset to the rear due to the tree'd rear boundary. It does not enhance the wider setting of the Conservation Area or the Castle Fields Scheduled Monument.

In order to assess the impact of the development, the proposal was supported by an 'Archaeological Evaluation' report and a 'Heritage Settings Assessment'.

Historic England states that 'The Archaeological Trial Trench Evaluation Report submitted with the application has identified archaeological remains within the application site which may have formed part of the earthworks relating to the scheduled monument. Such archaeological remains would contribute to our understanding of the monument and how it functioned within the landscape. They would therefore make a positive contribution to the significance of the scheduled monument.'

The construction of foundations and associated ground works for the proposed dwelling are likely to result in the loss or damage of any such non-designated archaeological remains in the area. Historic England considers that any harm arising from the proposal should be weighed against the public benefit in accordance with National Planning Policy Framework paragraph 196.

Paragraph 196 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Historic England advises that we are guided by the recommendations of the Assistant Archaeological Advisor at Northamptonshire County Council in respect of mitigation of impact to, and treatment of any non-designated archaeological remains within the development site.

Having considered the submitted reports the County Archaeologist opined that whilst the development would have an impact on archaeological deposits that

these could be suitably investigated and recorded so as not to represent an over-riding constraint to development.

As such and consistent with paragraph 199 of the NPPF a suitably worded condition requiring the prior approval of a written scheme of investigation could be attached to safeguard any archaeological deposits. Thereby the direct physical impact of the proposal on non-designated archaeological remains has been suitably addressed by the application and through the imposition of conditions.

Moving on to the impact of the development to the setting of a Schedule Ancient Monument; before assessing the impact, it is a requirement of paragraph 190 of the NPPF to apportion a level of significance to the asset. The Scheduled Monument of Barton Seagrave moats, fishponds and shrunken medieval village remains comprise a heritage asset of 'the highest significance' as defined by the NPPF and are well-preserved and provide evidence of the changing patterns of medieval farming settlements in the Northamptonshire countryside.

A previous 'Heritage Settings Assessment' submitted with application KET/2016/0382 for 1 dwelling to the rear of 2 Polwell Lane stated that 'the key elements of the moated village are best experienced from within its northern section and relate to its historic relationship with the medieval settlement, church and agricultural landscape. This relationship is partially eroded by the existing twentieth-century development along the eastern boundary of the Scheduled Ancient Monument (SAM).' The proposal will form part of this area of modern development on the edge of the SAM and within a portion of the SAM that has become detached from the bulk of the overgrown SAM by a strong rear boundary.

The Heritage Settings Assessment submitted with the application states that these key elements will remain unaffected in the proposal of 2no. residential infill dwellings which will extend the run of development along St. Botolph's Road as the Site is read as part of the street scene rather than as part of Castle Fields due to its enclosed nature.

Historic England has not raised any objection regarding the Assessment. As such and with no reason to adopt a different approach the principle of proposing a residential property at this location is not considered to harm the significance of the Heritage Asset.

Therefore the proposal is considered to be acceptable in regard to its impact on the historic environment subject to suitably worded conditions in accordance with policy 2 of the North Northamptonshire Joint Core Strategy.

3. Open space and Green infrastructure corridor

The site is designated as open space as shown on the Kettering Proposals Map accompanying the Site Specific Part 2 Local Plan and falls within the Ise Valley sub regional green infrastructure corridor.

The site was identified as natural / semi-natural open space, as identified in the Audit and Needs assessment of the Borough's open space and the Open Space Standards Paper. There is currently no deficit in natural / semi-natural open space and there is a 2ha surplus.

Given this it is considered that the site is surplus to requirements as set out in Policy 7 which states that: Development should support and enhance community services and facilities, where appropriate by:

- d) Not resulting in a net loss of open space, allotments, sports and recreation buildings and land, including playing fields unless:
 - i. The facility is surplus to requirements;

The site falls within the Ise Valley sub regional green infrastructure corridor and development located within the GI network will be expected to contribute towards its enhancement.

Policy 19 of the NNJCS states that: The special mixed urban and rural character of North Northamptonshire will be maintained and enhanced by:

- b) Safeguarding identified sub-regional green infrastructure corridors by:
 - i. Not permitting development that compromises their integrity and therefore that of the overall green infrastructure network;
 - ii. Using developer contributions to facilitate improvements to their quality and robustness;
 - iii. Investing in enhancement and restoration where opportunities exist.

Emerging Policy NEH2 of the Site Specific Part 2 Local Plan states that: To ensure the protection, enhancement and development of the open space network:

- ii Existing connections from open spaces into the local community and / or with the open space network and / or to green infrastructure corridors will be, wherever achievable, preserved and improved to create routes that promote freedom of movement for pedestrians and cyclists.

It is considered that the change of use of the site from open space to residential use would not compromise the integrity of the green infrastructure corridor subject to appropriate connections from that development back into castle fields and green infrastructure. This is addressed in conditions securing ecological and landscaping enhancements and boundary treatments.

Therefore the proposal is considered to be acceptable in regard to its impact on open space and the green infrastructure corridor and network subject to suitably worded conditions in accordance with policies 7 and 19 of the North Northamptonshire Joint Core Strategy and Emerging Policy NEH2 of the Site Specific Part 2 Local Plan.

4. Character and appearance

This application relates to a proposal for 1 no. dwellinghouse with all matters except access reserved. Appearance, landscaping, layout and scale are reserved for subsequent detailed consideration, but the illustrative site plan – KA34457_PL_02 A received as part of this submission, allows some

consideration of character and appearance to be assessed in terms of surrounding development and the wider street scene.

The site is located on Polwell Lane in an established residential area and forms part of a small paddock between 2 Polwell Lane and 76 St Botolphs Road.

The area has a mix of properties ranging from large detached properties, semi-detached pairs and small rows of terraced properties with a variety of plot sizes. Most properties are two storey and are set back from the highway edge with driveways and off-street parking.

The application site measures approximately 14.2m wide and 40m deep which is fairly similar to the density and plot size of surrounding development.

Although the proposal is in outline with all matters except access reserved, it is considered that the plot size is of adequate size to accommodate 1 no. two-storey dwellinghouse to the same density as surrounding development, the character and appearance of which can be determined at the detailed design stage when the reserved matters of appearance, layout and scale are determined.

To ensure the subsequent reserved matters applications are reflective of the surrounding character, conditions will be added requiring the submission of materials and to restrict the maximum number of storeys of the proposed dwellinghouses to two.

As such, subject to consideration of a detailed scheme, 1 no. proposed dwellinghouse could comply with Policy 8 of the North Northamptonshire Joint Core Strategy in that it would respond to the site's immediate and wider context and local character.

5. Residential Amenity

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

The site shares a side boundary with 2 Polwell Lane and an objection has been received on the grounds that proposed house would be too close to the boundary with 2 Polwell Lane and the trees on this property and would encroach on the privacy of this property.

The proposed dwelling would be approximately 1.2m from the boundary with no. 2. No. 2 Polwell Lane is a chalet bungalow and has a number of conifer trees on the boundary. There is a window within the side elevation at ground floor level and two roof lights in the roof slope facing the site, it is noted that the trees are higher than the roof lights and therefore these would be screened to some extent by the trees at 2 Polwell Lane.

Given this it is considered that the reserved matters of layout and scale will ensure the proposed dwellinghouse is located such that there are no issues of overlooking or loss of privacy to adjacent neighbours at 2 Polwell Lane

The proposed dwelling would be approximately 1.6m from the other side boundary which would be shared with the dwelling proposed under application KET/2020/0305. It is considered that the reserved matters of layout and scale will ensure the proposed dwellinghouses are located such that there are no issues of overlooking or loss of privacy between the two proposed dwellings.

It is considered that the site is of sufficient size to be able to accommodate the 1 no. proposed dwellinghouse, subject to the detailed reserved matters of layout and scale securing the siting and orientation in relation to neighbouring properties and the path of the sun, to ensure there is no adverse impact on the amenities of surrounding and future occupiers in terms of a loss of daylight, sunlight, a loss of privacy and overlooking or a sense of enclosure.

As such, subject to detailed consideration the proposal complies with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 12 of the National Planning Policy Framework.

6. Parking and Highway Safety

The site would be accessed off a slip road off Polwell Lane and would require a new access off this slip road. This slip road section is an unclassified road, therefore planning permission would not be required for the provision of a new dropped kerb. Although visibility splays have not been demonstrated, it is considered that, subject to the detailed site layout, the site is of sufficient size that this could be achieved in accordance with the guidance within the Local Highway Authority Standing Advice (June 2016), without adversely impacting on the highway network or highway safety.

The prevailing character for the area is for off-street parking and the submitted illustrative site plan demonstrates that the site is of adequate size to provide 2 no. parking spaces. Guidance provided in the Northamptonshire Parking Standards (September 2016), advises that 3 bed houses should have 2 spaces plus 1 visitor space.

The precise design, scale and layout of car parking requirements can be agreed at the detailed reserved matters application stage.

As such, subject to the satisfactory submission of details for approval under a reserved matters application, the proposal conforms to Policy 8 of the North Northamptonshire Joint Core Strategy which requires new development not to have an adverse impact on the highway network and highway safety, in accordance with Local Highway Authority standards.

7. Contaminated Land

Policy 6 of the North Northamptonshire Joint Core Strategy requires new development to be mitigated by remediation strategies in the event of any land contamination.

Paragraphs 170 and 178 in Policy 15 of the National Planning Policy Framework (NPPF) require the remediation and mitigation of unstable land and that which is affected by contamination.

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use.

Environmental Health have requested a unexpected contamination condition and an informative regarding naturally occurring Radon in the interests of human health, property and the wider environment in accordance with paragraphs 170 and 178 of the NPPF which requires development to enhance the local environment by remediating and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990.

Therefore the proposal would be acceptable in regard to contaminated land subject to an appropriately worded condition and informative in an accordance with policy 6 of the North Northamptonshire Joint Core Strategy.

8. Impact on Biodiversity

Policy 4 of the North Northamptonshire Joint Core Strategy, consistent with Policy 15 of the National Planning Policy Framework seeks to provide a net gain in biodiversity through new development.

A Preliminary Ecological Assessment (PEA) was submitted to support the application.

The site is incorporated into the Local Wildlife Site (LWS) Castle Field. Castle Field is a small group of earthworks with scrub on the higher areas and horse grazed grassland over most of the field. On the whole the grassland is low in botanical diversity, though patches of wet meadow are present including breeding dragonflies.

The Ecological Assessment found no signs or evidence of bat activity on the site and there were no signs or evidence of any other protected, priority or rare mammals on or adjacent to the site. There were no local ponds with habitat connectivity to the site identified. The assessment identified low level nesting by common bird species within the western boundary trees/shrubs.

The Ecological Assessment made a number of recommendations to ensure that the development complies with the requirements of the NPPF:

- Provision of bird and bat boxes;
- All new soft landscaping for the proposed development will be native and wildlife attracting. Any areas requiring new grass seeding should use a wildflower meadow seed mix such as EM1 from Emorsgate Seeds.

- Native trees and shrubs will be used in the landscaping to form a hedgerow and/or be grouped together for the greatest advantage to local wildlife.

To facilitate the proposed development the site will need to be cleared of all interior vegetation. None of the trees on site are the subject of a Tree Preservation Order or of a high amenity value, and it is considered that the proposed development will not adversely impact upon the visual quality of the local area.

The Northampton County Council Ecologist and the Wildlife Trust have raised no objection subject to the proposed biodiversity enhancement recommendations being secured by condition.

As such, subject to an appropriately worded condition the proposal is considered to be in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy and Policy 15 of the National Planning Policy Framework.

9. Energy Efficiency and Sustainable Design

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

Policy 30 of the North Northamptonshire Joint Core Strategy requires new development to meet Category 2 of the proposed National Accessibility Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities.

As this application is in Outline with all matters reserved for later consideration, no details have been submitted and as such, information in this regard can be required by condition when considering the reserved matters of appearance, layout and scale at a subsequent application.

10. Other Matters

The site is not located near a main watercourse and as such there is no reason to believe that the proposal would give rise to flooding issues. A drainage strategy to manage surface water run-off within and at the site will be considered in full at a detailed reserved matters submission.

Conclusion

The proposal complies with policies in the development plan and with national planning objectives. Notwithstanding the indicative plans provided, the principle of development is considered to be acceptable in this instance, subject to the imposition of suitable conditions and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Louisa Johnson, Development Officer on 01536 534316

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BOROUGH OF KETTERING

| | | |
|--------------------------|--|--|
| Committee | Full Planning Committee - 15/12/2020 | Item No: 5.5 |
| Report Originator | Carol Grant Senior Development Officer | Application No: KET/2020/0567 |
| Wards Affected | All Saints | |
| Location | 57 Stamford Road, Kettering | |
| Proposal | Full Application: New shopfront, flue and roller shutter to approved scheme (KET/2019/0820) for change of use to the ground floor from C3 to Sui Generis (previously A5). First floor to be used as a one bedroom apartment | |
| Applicant | Mrs S Begum | |

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED

1. This permission shall take effect from the date of this decision
 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.

Location and Block plan, Dwg no: A112
 Proposed Elevations and Floor plans, Dwg no: A111.A
 Both received on 4 September 2020
 shutter details, Dwg no KHW.001
 Received on 15 June 2020

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 premises shall not be open to the public before 09.00 or remain open after 23:00 hours on Mondays to Saturdays, nor open before 10:00 hours or remain open after 23:00 hours on Sundays or Bank Holidays.

REASON: In order to protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The external flue and extraction system as approved shall be retained and maintained for the use of the premises as a hot food takeaway and remain in situ for this use unless otherwise agreed in writing by the Local Planning Authority.

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

5. The area for the storage of waste as shown on the approved plan no A.111 A shall be maintained in accordance with the drawing and retained at all times.

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

6. The occupation of the first floor flat shall be limited to the owner of the ground floor premises hereby approved as a takeaway or an employee working within the said takeaway and the spouse of the owner/employee only.

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

Officers Report for KET/2020/0567

This application is reported for a Committee decision because there has been an objection to the proposal.

3.0 Information

Site Visit

Officer's site inspection was carried out on 18/09/2020.

Site Description

The application site consists of an end of terrace two-storey premises with a frontage onto Stamford Road. The site enjoys a small garden to the rear. To the west of the site is a Kwikfit garage, there are other A class uses along Stamford Road with a sandwich shop at no 65 and a fish and chip shop at No 67 Stamford Road. There is also a Public House and a license betting shop on the other side of the street.

Proposed Development

The application is a re-submission of an earlier approved application (KET/2019/0820 refers) comprising a change of use from a dwelling to a *sui generis* (formally A5) hot food take-away. This application relates to an alteration to the shopfront, the installation of a flue and the installation of roller shutters. The works have been completed and the application is retrospective.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Highway Authority

Having reviewed the information supplied in relation to this planning application, the local highway authority does not have any comments to make.

Environmental Health Officer (Same correspondence as previous application).

I have concerns regarding the impact that this application will have on the neighbouring residential property, and the proposed flat above, in particular the noise impacts. I therefore propose that the operating hours should be no later than 11pm to reduce the duration of any impacts.

I also request that the proposed accommodation above the takeaway is only occupied by somebody relating to the owners/business so as to prevent odour and noise complaints.

Recent comments relating to the flue consider that the work as carried out is acceptable.

Neighbours: One neighbour has raised an objection on the following issues: *I am concerned about the amendments to the above planning the original planning was granted on the basis that it was going to be in keeping with nearby shopfronts but the amendments are retro respective and not in keeping and is contrary to Kettering's policy of shop fronts in town.*

I am also concerned that from the existing planning to the recent amendments the neighbours have not received any communication at all and no notices have been posted how are we expected to be part of the planning process if that is the case? There has been parking issues here for years but the planning officer has made a decision without any prior knowledge and or consultation? Even though highways have rejected it, you would have assumed KBC planning officer would have made certain to be more informed before overlooking this recommendation

5.0 Planning Policy

Planning Policy

National Planning Policy Framework Core Principles

Policy 1. Building a strong, competitive economy

Policy 7. Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1. Presumption in favour of sustainable development

Policy 8. Place shaping

Policy 11. The network of urban and rural area

Policy 22. Delivering economic prosperity

Policy 23. Distribution of new jobs

Saved Policies from Local plan for Kettering

33: Advertisements, signs and shopfronts

SPD

Kettering Borough Shopfront Design Guide

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

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

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

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

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Planning History
2. Principle of the development
3. Impact on the character and appearance of the area
4. Impact on residential amenity
5. Impact on highway safety and parking

1. Planning History

KET/2019/0820 – change of use to the ground floor from C3 to A5 – approved

KET/2020/0386 – 1no externally illuminated fascia sign, 1no internally illuminated projecting sign, 1 no internally illuminated menu board -approved

2. Principle of the development

Section 38(6) of the Planning & Compulsory Purchase Act (2004) requires local planning authorities to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise. Policy 1 (paragraph 2) of the National Planning Policy Framework (NPPF) reiterates this. Policy 8 of the JCS and Policy 12 of the NPPF require development proposals to respond to the character of an area and maintain a strong sense of place.

The principle of the application has already been established under planning application KET/2019/0820 and therefore the principle of the development is considered to be in accordance with the locational sustainable policies of the North Northamptonshire Joint Core Strategy (JCS) and the guidance within the National Planning Policy Framework.

3. Impact on the character and appearance of the area

Policy 8 of JCS is also consistent with Section 12 of the NPPF in terms of requiring development to respond or be sympathetic to the local character. Section 12 of the NPPF highlights how good design is a key aspect of sustainable development and makes a requirement for development to add to the overall quality of the area, and establish or maintain a strong sense of place. Saved Policy 33 of the Local Plan

together with the Council's shopfront SPD seeks for replacement shopfronts to be sympathetic and contribute to the enhancement of its surroundings (this includes reference to security shutters).

The objection concerning the design of the shopfront has been considered, however; it is considered by officers that the redesign by the applicant of the shopfront is more in keeping with the residential nature of the short terrace as it utilises the original openings and lintels by replacing the original bay window with a door. The shopfront is modest and in proportion to the premises and is acceptable.

At the time of the previous application the Crime Prevention Design Officer commented that the area has historically and periodically still suffers from incidences of robbery and burglary and advised that security measures should be considered. The applicant has installed the roller shutter for security purposes and to screen the glazed shopfront from vandalism when the shop is closed. Although the SPD discourages the use of closed type shutters, particularly in the town centres, it is considered that in this out of town location, they would not undermine the character and appearance of the premises itself or cause harm to the overall character and appearance of the wider area. The shutters are appropriate for their intended use and in this regard are considered to comply with Policy 8 of the JCS and the SPD.

Overall, the alterations to the shopfront and the installation of the roller shutter comply with Policy 8 (d) of the North Northamptonshire Joint Core Strategy and the SPD.

4. Impact on residential amenity

Policy 8 of the JCS seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of overbearing, loss of light or overlooking. The impact on the residential amenity to neighbours has not changed compared to the earlier approved application KET/2019/0820. The site is located within the urban area of Kettering close to the town centre within close proximity to other provisions of 'A' uses, including shops, cafes and takeaways. The impact of visitors and noise on the wider amenity of the area would therefore be comparatively limited in extent. Environmental Health Officers continue to have no comments on the impact of noise upon the neighbouring properties.

Environmental Health Officers continue to state that given that there are nearby residential properties, an unrestricted use with no hours limitation would not reasonably protect occupiers' residential amenity. As per the previous application the hours of opening would be restricted to: 9.00am to 23.00pm Mondays to Saturdays and 10.00am to 23.00pm Sundays and Bank Holidays.

In addition, it is judged that the previous requirement (through a condition) stipulating the proposed accommodation above the takeaway is only occupied by somebody relating to the owners/business so as to prevent odour and noise complaints remains relevant and therefore is also imposed upon this permission.

The proposal includes details of the ventilation system and extraction flue which is the same as the previously approved application and has been installed. The EHO

is satisfied with the information provided that the system is appropriate for the type and style of cooking at the premises and would not give rise to future concerns relating to noise or odour.

The previous application also imposed a condition requiring details of the storage of waste within the site. The submitted drawings provide this information.

In regard to the impact on neighbouring residential occupiers, the proposed development with conditions would comply with Policy 8 (e) of the North Northamptonshire Joint Core Strategy.

5. Impact on highway safety and parking

Policy 8 (b) of the North Northamptonshire Joint Core Strategy, requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and states that developments must not have an adverse impact on the highway network or prejudice highway safety. Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Although there has been an objection raised regarding parking provision, the highway authority has stated it does not have any comments to make. There is an area immediately in front of the application site which extends along the entire row of buildings which allows for on-street parking which would not interrupt the flow of traffic using the carriageway. The proposal does not remove any of the existing parking provision.

It is planning officer's opinion, the proposed takeaway due to its scale will be unlikely to generate substantial traffic. The information given that the business will be 80% deliveries will result in fewer customers using on street parking within the area. It would therefore be deemed unreasonable to refuse the application on parking given the site's sustainable location. In addition, parking restrictions exist to the site frontage; however, there are numerous parking opportunities within the vicinity of the site along Barnwell Street and Clarence Road. There are no double yellow lines starting both sides of Barnwell Street and Clarence Road.

The proposed development would comply with Policy 8 (b) of the North Northamptonshire Joint Core Strategy.

Other matters

The objector raises concerns that proper notification/consultation for the application was not carried out. A site notice was displayed adjacent to the site dated 17 September 2020 which informed local residents/users of the application. Immediate neighbours who share boundaries were also notified of the application on 11 September by letter and the application was included on the Weekly list of the same week. It is considered that the Local Planning Authority have carried out their obligations under the Town & Country Planning (Development Management Procedure) (England) Order 2015.

Conclusion

The principle of the application has already been established under planning application KET/2019/0820. The alterations to the shopfront and installation of both the flue and the roller shutters are acceptable in terms of design and impact on amenity.

Subject to the recommended conditions it is considered that the proposal will not adversely impact on the residential amenity of existing occupiers or the character or appearance of the locality and would not prejudice highway safety. The proposal complies with Policy 8 of the North Northamptonshire Joint Core Strategy (JCS), Saved Policy 33 of the Local Plan for Kettering, SPD (shopfronts) and the guidance within the National Planning Policy Framework.

The recommendation is to approve.

Background Papers

Title of Document:

Date:

Contact Officer:

Carol Grant, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

BOROUGH OF KETTERING

| | | |
|--------------------------|--|--|
| Committee | Full Planning Committee - 15/12/2020 | Item No: 5.6 |
| Report Originator | Louisa Johnson Development Officer | Application No: KET/2020/0675 |
| Wards Affected | Burton Latimer | |
| Location | 14 Wold Road, Burton Latimer | |
| Proposal | Full Application: First floor front extension | |
| Applicant | Mr & Mrs Hobbs | |

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

1. The proposed development would form a dominant and oppressive feature in the streetscene impacting negatively upon the characteristic sense of openness and would have a detrimental impact on the character and appearance of the area contrary to Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2020/0675

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

3.0 Information

Relevant Planning History

KET/2006/0993, Annex over existing garage, Approved, 20/12/2006.

KET/2014/0053 - First floor extension and attic conversion with rear dormer – Refused 26/03/2014

APP/L2820/D/14/2220732 of KET/2014/0053 – Dismissed 11/09/2014

KET/2020/0524 - First floor extension over existing garage – Withdrawn 28/09/2020

Site Visit

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

Site Description

The property is located on the edge of Burton Latimer, as part of a row of properties for which permission was granted in 1985.

The property is part of a row of four properties which maintain a step pattern along Wold Road. The detached properties are seen to have large amenity space to the front and rear of the property, the former used for parking along with the attached garages. The levels between properties are seen to remain relatively equal.

Proposed Development

The application is for the development of a first floor extension over the existing garage.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Parish/Town Council

No comments received

Neighbours

One letter of objection received on the following grounds:

- A substantial increase in the height of the South-east elevation above the garage at No 14, would make no. 16 feel very secluded and isolated as no. 16 is set quite far back from the road and is also lower than no. 14.
- The approach to no. 16 would be hampered by the limited visibility due to the imposing nature of the extension so close to the road and to the boundary with no. 16.

- The proposed extension would not in keeping with the character of the neighbouring properties or the conservation area.

5.0 Planning Policy

National Planning Policy Framework 2019

Policy 2: Achieving a sustainable development

Policy 12: Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy July 2016

Policy 1: Presumption in favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

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

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

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on the character and appearance of the area
3. Residential amenity

1. Principle of Development.

The application seeks the erection of a first floor extension above the garage.

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

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

2. Impact on the character and appearance of the area

The site is located on Wold Road, Burton Latimer. The site is not within the Burton Latimer Conservation Area but is on the other side of the road from the boundary of the conservation area.

A Supporting Letter was submitted with the application setting out the reasons why the applicant considers the proposal is acceptable. The letter states that:

“The applicant runs a local business employing around 50 people. In light of the current situation globally the applicant is having to work from home on a permanent basis, hence the need for a dedicated office space to run the business from.

The requirement for a home office is a necessity in these times, and could be the difference between the business being able to carry on and keep employing those members of staff.”

The letter states that: *“We would like to make it very clear that this 2020 application bears no similarities to the refused application KET/2014/0053”*. The letter compares the current scheme to the two previous schemes KET/2006/0993 and KET/2014/0053 and states that the proposals are similar to the approved 2006 scheme. Both the officer report and the appeal decision considered the 2006 scheme when assessing KET/2014/0053.

The differences between the current scheme and the 2014 scheme are as follows:

| | KET/2014/0053 | Current Scheme (KET/2020/0675) |
|--------|---------------|--------------------------------|
| Width | 6.1m | 6.1m |
| Depth | 7.8m | 7.8m |
| Height | 7m | 6.4m |

The KET/2014/0053 application was refused, and a subsequent appeal dismissed. Whilst it is noted that a similar extension was granted in 2006, this was before the adoption of the North Northamptonshire Core Spatial Strategy in 2008 and at a time of a different planning policy framework with less emphasis on design quality. Both the officer report and the appeal decision considered the 2006 scheme when assessing and refusing KET/2014/0053.

A notable characteristic of this site, and neighbouring properties are the large but subservient garages projecting from the front of the property. Whilst this addition will still remain below the ridge line of the original property, it sits to the front of the property and in close proximity to the highway which would create a dominant feature visible from large parts of Wold Road, and it is not considered to respect the character of its surroundings.

The proposal has been reduced in height by approximately 0.6m from the refused scheme and the attic conversion with rear dormer removed. However it is still visually similar as the proposed 1st floor extension has a vaulted ceiling resulting in windows in side elevations and a row of roof lights above.

Furthermore, the Inspector stated in the appeal statement for appeal APP/L2820/D/14/2220732 that:

“The addition of a further storey to the garage would mean that it would appear at odds with the subservient nature of other garages in the vicinity of the site. The height and mass of this aspect of the appeal proposal, as well as the largely blank expanse of brickwork to the garage’s rear elevation, would mean that it would be a dominant and oppressive feature in the street scene. In such close proximity to the edge of the street it would be overbearing, impacting negatively upon the characteristic sense of openness.”

As such it is considered that a first floor extension would be a dominant and oppressive feature in the street scene, that is not addressed by a reduction in height of 0.6m.

It is noted that the applicant considers that the extension is necessary to enable working from home to support their business. However, we attach limited weight in the decision making balance to this as the development will be a permanent feature within the streetscene and hopefully COVID short term. Therefore it is considered that this argument does not outweigh the harm caused by the proposed development.

Overall it is considered that the proposal would form a dominant and oppressive feature in the streetscene which would have a detrimental impact on the character of the area contrary to Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

The site shares a side boundary with 16 Wold Road and the proposed extension would be approximately 1.9m from the boundary with no. 16, this property is set back from the application site by approximately 4 metres.

With the first floor extension over the existing garage, the biggest concern is the impact on the neighbouring property to the south of no.16 Wold Road, particularly as it is set back from the application site by approximate 4 metres. Such is the siting of the development to this neighbouring property, there allows the potential for both overbearing impact and overlooking.

When viewed directly from the boundary with no.16 the addition of the wall may from this position result in an increase in overbearing impact, with a large double garage attached to the neighbouring property separating the two dwellings, as well as substantial amenity space to the side, the total distance of separation is approximately 12 metres between the proposed extension and the habitable rooms of no.16 itself. This distance is sufficient as to mitigate against any substantial overbearing impact or loss of light to this neighbouring property.

The proposal includes two windows in the side elevation which overlook the front of no. 16, in particular the driveway area. Whilst this would result in additional overlooking to this area, it is considered given that it is a driveway and the distance of the windows from the main dwelling that the proposed windows would not result in a loss of privacy so severe as to be unacceptable. However, it would be preferable for the windows to be removed or obscure glazed and fixed shut to protect the privacy of the neighbouring property.

The site shares a side boundary with 12 Wold Road, the proposed extension would be approximately 10m from the boundary with no. 12. This separation distance is considered sufficient to ensure that the proposal does not have a detrimental impact on 12 Wold Road.

Therefore it is considered that the proposal would not have a significant detrimental impact on neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Conclusion

The proposal is unacceptable in terms of its impact on the character and appearance of the area. The application is recommended for refusal.

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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BOROUGH OF KETTERING

| | | |
|--------------------------|---|--|
| Committee | Full Planning Committee - 15/12/2020 | Item No: 5.7 |
| Report Originator | Louisa Johnson Development Officer | Application No: KET/2020/0681 |
| Wards Affected | Pipers Hill | |
| Location | 11 Valley Walk, Kettering | |
| Proposal | Full Application: Single storey side extension | |
| Applicant | Mr B Baker, Kettering Borough Council | |

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

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

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

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

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

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

Officers Report for KET/2020/0681

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

3.0 Information

Relevant Planning History

None relevant

Site Description

The application site is a two-storey end of row terraced property on the corner of Valley Walk and Compton Place.

Proposed Development

The proposal is for the erection of a single storey side extension.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Neighbours

None received at time of writing

5.0 Planning Policy

National Planning Policy Framework 2019

Policy 2: Achieving a sustainable development

Policy 12: Achieving well designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy July 2016

Policy 1: Presumption in favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

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

properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

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

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on the character and appearance of the area
3. Residential amenity

1. Principle of Development

The application seeks the erection of a single storey side extension.

Policy 8 of the adopted NNJCS (July 2016) seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area. Paragraphs 56, 58 and 64 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development, and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

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

2. Impact on the character and appearance of the area

The site is located on Valley Walk, in a predominately residential area.

The proposal involves the erection of a single storey side extension measuring approximately 4.5m wide, 8.6m deep and 4.1m high with a pitched roof. The proposed extension extends the full depth of the existing house and would involve moving the existing front door and removing one of the vehicular accesses currently serving the property from Compton Place.

The existing house is approximately 6.3m wide and the proposed extension would be more than half the width of the existing house. However, the property has a large side garden which can accommodate the proposed extension comfortably.

The proposed extension while large would be in keeping with the host property and would not be detrimental to the surrounding dwelling designs.

Overall the proposal will have an acceptable impact on the character and appearance of the area and accords with the relevant parts of Policy 12 (NPPF) and Policy 8 (NNJCS).

3. Residential Amenity

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

The site shares a side boundary with 9 Valley Walk, the proposed extension would be on the other side of the property 6.3m away from no. 9 and would not extend beyond the existing front and rear elevation of the host property. Therefore the proposed extension would not be visible from no. 9 and would not have a detrimental impact on this property.

The host property is on the corner of Valley Walk and Compton Place, so 13 Valley Walk is on the other side of Compton Place with approximately 7m between their boundaries. Therefore it is considered that the proposal would not have a detrimental impact on 13 Valley Walk.

The site shares a rear boundary with 6 Compton Place, the proposed extension would be approximately 14.7m from the boundary with no. 6 and given its single storey nature it is considered that it would not have detrimental impact on 6 Compton Place.

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

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

Conclusion

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

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: