

PLANNING COMMITTEE

Tuesday 16th February 2021 at 6.00pm

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Working with and on behalf of local people



A G E N D A

1. Apologies
2. Declarations of Interest
 - (a) Personal
 - (b) Prejudicial
3. Minutes of the meetings held on 15th December 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: 15th December 2020

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

20.PC.77 **APOLOGIES**

None

20.PC.78 **MINUTES**

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

20.PC.79 **DECLARATIONS OF INTEREST**

Councillor David Howes declared a personal interest in 5.6 and stated that he would leave the meeting during discussion of this item.

20.PC.80 **ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE URGENT**

None.

20.PC.81 **PLANNING APPLICATION REPORTS**

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

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:-.

21.PC.81.1 KET/2019/0644

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.2 Full Application: Re-development of site to create 39 no. dwellings with access, parking and associated works at Manor House, Gold Street (land rear of), Desborough for Mr Lee</p> <p>Application No: KET/2019/0644</p> <p><u>Speaker:</u></p> <p>Councillor Mark Dearing attended the meeting and addressed the committee as the ward councillor for the proposed development. Cllr Dearing raised several objections to the application including the detrimental effect the development would have on local road capacity and safety concern regarding access. It was also stated that the application had a unacceptable impact on highway safety and the culminative impact on local highways was severe.</p>	<p>Members received a report which sought planning 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.</p> <p>Planning Officers addressed the meeting and provided an updated which stated that the applicant had advised that the change in the split of the tenure of affordable housing which was now : 64% Affordable Rent and 36% Intermediate. the Housing Manager had agreed that this is acceptable.</p> <p>Members raised concerns regarding the unsafe access point for the proposed development, stating that the access would have a detrimental impact on highway safety. Members also raised concerns and questioned the lack of S106 monies contributed as part of the proposed development stating that local amenities such as heath and education facilities were already over subscribed and that the application would only worsen the current situation.</p> <p>Following debate it was proposed by Councillor O'Hara and seconded by Councillor Thurland that the application be refused in contrary to the officers recommendation due the proposed development being unsustainable without the element and contribution of S106 monies.</p> <p>It was agreed that the application be REFUSED for the following reasons:-</p>

1. Quantum of development resulting in traffic movements bringing congestion on surrounding road network, especially nearby junction with B576 which information from 018 concluded was over capacity;
2. Lack of SI06 contribution for infrastructure means unsustainable development in terms of JCS policy 10

(Members voted on the motion to REFUSE the application)

(Voting: For: Unanimous)

The application was therefore
REFUSED

20.PC.81.2

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 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</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which 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 were as follows:</p> <ul style="list-style-type: none">•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.

(Members noted the officers report)

20.PC.81.3 KET/2020/0305

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.3 Outline Application: Outline application with all matters reserved except access for 1 no. two storey detached dwelling with parking and access at 76 St Botolphs Road (land adjoining), Barton Seagrave for Mr O Wicksteed, Wicksteed Trust</p> <p>Application No: KET/2020/0305</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought outline planning permission with all matters reserved except access for 1 no. dwelling.</p> <p>Members questioned whether further development could take place to the rear of the development site and questioned whether or not the removal of permitted development rights could be conditioned. To protect the visual amenity.</p> <p>Following debate it was proposed by Councillor Mitchell and seconded by Councillor Thurland that the application be approved in line with the officers recommendation with the additional condition.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

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.
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.
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.
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.
5. The dwellinghouse hereby approved shall be a maximum of two storeys in height.
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.

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.
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.
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.
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.
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.
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.

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.
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.
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.
16. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
17. 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.
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.
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.
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.
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.

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.

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

(Voting: For: Unanimous)

The application was therefore
APPROVED

20.PC.81.4 KET/2020/0320

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.4 Outline Application: Outline application with all matters reserved except access for 1 no. dwelling at 2 Polwell Lane (land adj), Barton Seagrave for Mr O Wicksteed, Wicksteed Trust.</p> <p>Application No: KET/2020/0320</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought outline planning permission with all matters reserved except access for 1 no. dwelling.</p> <p>Members questioned whether further development could take place to the rear of the development site and questioned whether or not the removal of permitted development rights could be conditioned. To protect the visual amenity.</p> <p>Following debate it was proposed by Councillor Edwards and seconded by Councillor Howes 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. 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.
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.
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.
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.
5. The dwellinghouse hereby approved shall be a maximum of two storeys in height.
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.
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

(Planning No. 9)

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.

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.

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.

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 in 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.

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.

12. No development above slab level shall take place on site until a scheme demonstrating how the development will incorporate techniques of sustainable

(Planning No. 10)

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.

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.
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.
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.
16. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
17. 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.
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.
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.
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.
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.

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.

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

(Voting: For: Unanimous)

The application was therefore
APPROVED

20.PC.81.5 KET/2020/0567

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.5 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 at 57 Stamford Road, Kettering for Mrs S Begum</p> <p>Application No: KET/2020/0567</p> <p><u>Speaker:</u></p> <p>Mrs S Begum submitted a written statement as the applicant for the proposed development which stated that the business had recently moved premises and that the proposed shop front represents a significant improvement then the previous and that measures had been put in place to reduce the visual impact to neighbouring properties.</p>	<p>Members received a report which sought Planning permission for the change of use from a dwelling to a sui generis (formally A5) hot food take-away. This application related to an alteration to the shopfront, the installation of a flue and the installation of roller shutters. The works had been completed and the application was retrospective.</p> <p>Members raised questions regarding the access to the residential apartment above the business and whether this was conditioned regarding its occupancy. It was confirmed to members that a rear access allowed access to the apartment and that a condition was included which ensured that a business employee needed to take residency.</p> <p>Following debate it was proposed by Councillor Mitchell and seconded by Councillor Titcombe 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 take effect from the date of this decision
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
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.
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.

(Planning No. 13)

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.
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.

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

(Voting: For: Unanimous)

The application was therefore
APPROVED

(Having declared an interest Cllr Howes was removed from the meeting)

20.PC.81.6 KET/2020/0442

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.6 Full Application: First floor front extension at 14 Wold Road, Burton Latimer for Mr & Mrs Hobbs</p> <p>Application No: KET/2020/0442</p> <p><u>Speaker:</u></p> <p>Chris Fitzjohn submitted a written statement acting as the agent on behalf of the applicants which stated that the proposed development was necessary in order to create a home office space for a local business owner. The application was similar in design to previously approved application.</p>	<p>Members received a report which sought full planning permission for the development of a first floor extension over the existing garage.</p> <p>Members agreed that the proposed development was satisfactory in contravention to the officers recommendation and that the application was not detrimental to the surrounding area.</p> <p>it was proposed by Councillor Titcombe and seconded by Councillor Adams that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture , those on the existing building
3. The development hereby permitted shall not be carried out other than in accordance with the amended plan number P002B received by the Local Planning Authority on 09/09/2020
4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings, alterations or extensions permitted by Schedule 2, Part 1 Classes A, B and C shall be made in the west elevation or roof plane of the building of the building hereby permitted.

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

(Voting: For: 2, Against: 5)

The application was therefore
APPROVED

(Planning No. 15)

20.PC.81.7 KET/2020/0681

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.7 Full Application: Single storey side extension at 11 Valley Walk, Kettering for Mr B Baker Kettering Borough Council.</p> <p>Application No: KET/2020/0681</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report which sought Planning permission for the erection of a single storey side extension.</p> <p>Members agreed that the proposed development was satisfactory and represented a best practise in order to bring the dwelling back in line for bigger families.</p> <p>Following debate it was proposed by Councillor Edwards and seconded by Councillor Howes that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.

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

(Voting: For: Unanimous)

(Planning No. 16)

The application was therefore
APPROVED

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

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

Signed.....

Chair

CG

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Tuesday, 16 February, 2021

No. 5 Planning Application Reports

5.1	KET/2020/0318	JWI	The Old Willows,10 The Old Northampton Road, Broughton Full Application: Change of use of part of application site from unused land to use as an extension to a residential caravan site and taken together with the existing site would be for 12 traveller families, each with one caravan/mobile home including laying of hardstanding and construction of retaining wall Expiry date: 28-July-2020	1
5.2	KET/2020/0659	LJO	17 Kettering Road, Burton Latimer Full Application: New access with alteration to land levels. Expiry date: 22-February-2021	31
5.3	KET/2020/0746	CGR	7 Forest Glade, Kettering Full Application: Change of use from dwelling (C3a) to children's care home (C2) Expiry date: 19-February-2021	41
5.4	KET/2020/0824	AJR	46 Polwell Lane, Barton Seagrave Full Application: Demolition of existing 2 storey dwelling and erection of new 2 storey dwelling Expiry date: 25-January-2021	51
5.5	KET/2020/0868	SBE	Chesham House, 53 Lower Street, Kettering Application for Listed Building Consent: Replace specified windows, repairs to specified windows, render, stone plinths, flashing and front door joinery, redecorate external wall surfaces, refurbish signboard Expiry date: 18-February-2021	65

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

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

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.1
Report Originator	James Wilson Interim Head Of Development Services	Application No: KET/2020/0318
Wards Affected	Slade	
Location	The Old Willows, 10 The Old Northampton Road, Broughton	
Proposal	Full Application: Change of use of part of application site from unused land to use as an extension to a residential caravan site and taken together with the existing site would be for 12 traveller families, each with one caravan/mobile home including laying of hardstanding and construction of retaining wall	
Applicant	Mr F Doran	

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 site layout would be cramped and dominated by hardstanding, there is minimal room for parking and turning; no room for utility/amenity blocks, touring caravans and space for the storage of equipment; and, absence of any landscaping within the site enclosed with 1.8m fencing. The site layout is therefore considered to provide insufficient amenity for occupiers contrary to paragraph 26 of the Planning Policy for Travellers Sites [2015] and with Policy 31 of the North Northamptonshire Joint Core Strategy.

2. The opening up of the site by removal of screen planting along the east boundary and the likely loss of screen planting along the west boundary, due to excavation works into the embankment, have and will result in the site and its infrastructure being clearly visible from the public highway [Broughton Road and the A43] and a Public Rights of Way footpath [GW14] such that have/will result in an incongruous appearance in this rural landscape contrary to Policies 3, 19 and 31 of the North Northamptonshire Joint Core Strategy and Policy 7 of the Kettering Local Plan Saved Policies.

3. The loss of the hedgerow and associated trees have an adverse impact on the green infrastructure and ecological network, by causing habitat fragmentation and biodiversity net loss contrary to Policies 4 and 19 of the North Northamptonshire Joint Core Strategy.

4. The removal of the eastern hedgerow, the cutting into the western embankment and the covering of the whole site with hardsurfacing represent intentional unauthorised

development which is considered was undertaken with the sole purpose of undermining the full and proper consideration of the impact of the proposed development contrary to Government Policy.

5. Insufficient information has been submitted to assess the suitability and appropriateness of the proposed retaining wall in terms of protecting the structural stability of the A43 to ensure that it is to the necessary standard to fulfil its function as part of the strategic road network contrary to Policy 17 of the North Northamptonshire Joint Core Strategy.

6. The Council considers that there is a five year supply of pitches for Gypsies and Travellers within the Borough and there is a lack of evidence for the need for the additional pitches. Having regard to the harms identified above it is considered there is a lack of weight to be attached to need such that it is sufficient to outweigh the strong objections to the use of the land in the manner proposed.

Officers Report for KET/2020/0318

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3 Information

Relevant Planning History

KET/2017/0980: (1) To accommodate 2 no. static caravans, 2 no. touring caravans, parking for four cars with play area, and associated hardstanding on an existing gypsy site. (2) Application amended by revised layout and whole site is within the application and to include in the description of development 6 other pitches for gypsy/travellers (the 6 previously consented pitches) shown on layout – APPROVED – 13.04.18

KET/2016/0847: Refused on grounds of overdevelopment, 24/07/17. This was a proposal for accommodation of 10 static caravans for gypsies and travellers, to be positioned at the western side of the site. Alongside each static caravan would be space for a vehicle to be parked. This would have been an additional 4 pitches on top of the extant permission for 6 pitches and a play area that had earlier been granted, see below, ref: KET/2014/0659.

KET/2014/0695 - Change of Use (from 3 pitch traveller site and former highway land) to Permanent Gypsy and Traveller Site for 6 no. Pitches and Play Area – APPROVED – 03.07.15

KET/2011/0363 - Change of use of land to residential gypsy traveller site of 3 no. pitches, comprising 1 no. mobile home, 1 no. associated touring caravan, 2 no. static caravans, together with the retention of a day room, toilet building, associated hard standing, external lighting and septic tank Klargester - APPROVED 20.06.12

KE/93/0217 - [Plots 1- 9a and application site] Change Of Use: Proposed Residential Caravan Site For Seven Families - Refused: 25.03.93; APPEAL ALLOWED 11.07.94.

Site Visit

A site inspection was carried out on 4th August 2020

Site Description

The Old Willows is part of an area of established gypsy and travellers' pitches situated on remnants of the old A43, approximately 600 metres south west of the village of Broughton. To the immediate north the established gypsy and traveller pitches total 13 in number and appear to be in the control of owners who occupy the sites.

Beyond the east side of the Old Willows is land which is open countryside. The other side of the western boundary behind a raised area of bank is the A43.

Beyond the south side of the site after the site tapers is the alignment of the A43 and countryside either side of that road.

The permitted extent of the Old Willows site measures approximately 14m width at its narrowest point at the southern end, 23m width near to the site entrance along the northern side; and is approx.126m long at mid- point (an area 0.2ha). Within that area there should be six large plots measuring between 15m x 15m [at the southern end] to 15m x 19m [at the northern end, all located on the west side of the former A43. These are the plots originally permitted under KET/2014/0695. At the southern end, with a more informal layout are permitted 2no static caravans, 2no touring caravans and a play area. This area was permitted under KET/2017/0980.

At the time of the August 2020 site visit the site contained a total of 7 large static caravans, (10m x 3.5m) all of which were in an alignment at the western side of the line of the track through the site.

The whole of the remainder of the land – including land to the south and east of the permitted site had been subject to substantial engineering works, resulting in the laying of an extensive area of hardstanding; the removal of part of the bank adjacent to the A43; and, the loss of the grassed area and hedgerow along the eastern boundary.

Proposed Development

In the Planning Statement accompanying the application the proposed development is described as being *“for two additional Static Caravans and two touring caravans with additional parking for the family who require a place on the site”*.

However, the 2017 permission is for 8 statics and 2 tourers, so Officers consider that this application is for an additional 4 static caravans.

In this regard the submitted block plan shows the 6 historic pitches and then the siting of 6 static caravans, but does not show how 2 touring caravans would fit on the site, there are no specific parking areas and there would be no room for future amenity buildings.

In addition, the submitted block also shows the removal of the landscaping along the eastern boundary and the provision of a retaining wall along the west boundary, adjacent to the A43, with a lay area at the southern end. The result would be a width of 32m at its northern end and an overall length of 184m.

No screen planting on the eastern side is shown, instead a 1.8m high close-boarded fence is proposed.

Any Constraints Affecting the Site

Open countryside/outside village boundary

Requirement of retaining Wall for the embankment to the A43

4 Consultation and Customer Impact

Summaries of responses received are below.

Local Highway Authority (LHA)

Second Response [email to Broughton Parish Council]

The Highway Authority has assessed the excavation area and does not consider that there are any immediate concerns regarding potential subsidence. However, we do require that a retaining wall is constructed for the long-term structural integrity of the highway carriageway at this locality.

Highway Authority has been in discussion with the planning applicant about this matter and has agreed to provide a design specification so that this matter can be incorporated in the planning application for the site proposal. This work has been ongoing and unfortunately has been delayed because of some further ground excavations investigations that we considered were necessary. I am awaiting an update for when this will be available.

I note your comments concerning the actual construction and cost of the retaining wall. The information that you have been provided with is incorrect. The intention is that although the Highway Authority is providing the design specification for the wall the intention will be for the planning applicant to be responsible for the actual construction. The Highway Authority would retain responsibility for inspecting the wall during construction to ensure that it meets the required design specification.

First Response

The Local Highway Authority (LHA) request an extension of time in providing a response to this application. The LHA are awaiting comments from other disciplines relating to the retaining wall and will provide a full response to this application as soon as is possible.

The application site is not affected by a Public Right of Way.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

Environmental Protection

No comments.

Place Services, Essex County Council – Landscape and Ecology Advice

Landscape and Visual Impact

Although no Landscape and Visual Impact Assessment or Appraisal has been submitted as part of this application, it's important that these environmental factors are taken into consideration when assessing the scheme. Currently,

given the removal of existing vegetation and the open wide views available to the site from nearby transport routes, we are concerned that the likely effects of the proposed development on landscape character and visual amenity would be adverse and in turn not comply with Policies 3, 4 and 19 of the Joint Core Strategy and Policy 7 of the Kettering Borough Local Plan.

The importance of understanding the landscape character of all landscapes in England is recognised in the National Planning Policy Framework, which states that planning policies and decisions should contribute to the natural environment by: *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services”*. Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

Effects on landscape character can be both direct, i.e. on the character area/landscape type that the site is located within, and indirect, i.e. changes to characteristics or perceptions of character that occur beyond the boundary of a character area/landscape type. In addition, effects on landscape character may be positive or negative, i.e. strengthening and enhancing the characteristic patterns and features, or eroding and losing the patterns and features that contribute to landscape character.

In regard to this application site, the national published landscape character, states that the site is located within the Northamptonshire Vales National Character Area, an open landscape of gently undulating clay ridges and valleys with occasional steep scarp slopes. Generally, there is an overall visual uniformity to the landscape and settlement pattern.

In terms of local landscape character, the site is located within the Clay Plateau Landscape Character (LC) Types, and more locally the Sywell Plateau LC Area. The area is characterised by a predominance of large to medium to large scale arable fields generally regular or sub regular in shape. Other relevant characteristics include:

- broad, elevated undulating plateau dissected and drained by numerous valleys with convex profile valley sides;
- expansive, long distance and panoramic views across open areas of plateau;
- limited woodland / tree cover comprising broadleaved woodlands and mature hedgerow trees;
- productive arable farmland within medium and large-scale fields; and
- hedgerows are often low and well clipped, although intermittent sections show evidence of decline, and emphasise the undulating character of the landscape.

During the site visit, it was clear that that the existing vegetation on the south eastern edge of the application site had been removed and replaced with a compacted stone surface treatment and a timber post and rail fence. Further north along the south western edge of Old Northampton Road (outside the site boundary), vegetation has been retained in places, with intermittent gaps with

fly-tipping and spoil mounds present. Hedgerows are important elements of any landscape, not only providing important wildlife corridors and drainage opportunities, but also filtering views and shaping the landscape. If the hedgerow were still present, these would have been strongly representative of the local landscape character, screening the more disruptive elements of what is noticeably a rural open landscape. On review of OS maps dating back to 1885 (OS One Inch 1885-1900), it's also believed that the removed hedgerow may have formed part of the original boundary planting of Old Northampton Road and the adjacent arable fields.

We also have concerns regarding the encroachment into the A43 embankment and the proposed retaining wall. Although we understand the wall would be necessary to avoid soil slippage and movement, the existing embankment has already been cut into, revealing tree and shrub root systems. Because of this, there is a concern that the vegetation on this embankment will soon fail as the embankment has been cut in too deep. If the planting fails, this will leave a significant area of the vegetation screening bare, exposing the site and the residential structures and related assets. To ensure the correct methods were used to remove soil for the embankment, we would have expected a BS 5837:2012 Arboricultural survey and impact assessment to have been submitted and approved by the LPA to ensure the proposed works did not have an adverse impact on the boundary trees and shrubs. This should then have been accompanied by a method statement, ensuring work to retained trees is minimised and protection measures are in place.

The site is situated within a Local Green Infrastructure (GI) Corridor; Sywell Reservoir – Broughton. Local GI corridors cover a variety of land uses and provide opportunities for projects and investment at a local scale that benefits at a community level. Natural England encourages the integration of green infrastructure at the outset of development so that the greatest benefits will be gained. Therefore, it would be expected that development located within the GI network will be expected to contribute towards its enhancement. However currently the proposed scheme results in a loss of GI, causing habitat fragmentation and biodiversity net loss, which isn't acceptable.

For these reasons, we would recommend that a detailed site layout and landscape scheme is submitted to and approved, in writing, by the Local Planning Authority. A specification of soft landscaping, including proposed trees, plants and seed mixes should be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. We would expect for this to be planted in advance of occupation of the site, and that any failures be replaced for the first 5 years of the scheme to ensure successful establishment.

In terms of visual amenity, the locally undulating topography and the strong local field boundaries are such that the visual envelope of the site is restricted to views from the public highway (Broughton Road) and a Public Rights of Way footpath (GW14). The site and its infrastructure will be clearly visible from these receptors

and its anticipated that they will have an incongruous appearance in this rural landscape, especially given the lack of existing and/or proposed screening. It's acknowledged that some of the existing structures along Old Northampton road are also visible, however, this is only in areas where the existing vegetation isn't present.

Summary

In summary, we have significant concerns regarding the negative impact the proposed development will have on the landscape character, green infrastructure and visual amenity of the site. As a result, the application does not meet the requirements under Policies 3, 4 and 19 of the JCS and Policy 7 of the Kettering Local Plan Saved Policies. For the development to be considered for approval, there needs to be due consideration for landscape impacts of the proposals, with a reduction of the hard- standing footprint to allow for the replacement of the hedgerow and associated hedgerow trees along the south eastern boundary. The loss of the hedgerow and associated trees does not only have an adverse impact on landscape and visual amenity, but also the green infrastructure and ecological network, by causing habitat fragmentation and biodiversity net loss. Similarly, the A43 embankment should be reinstated regraded, with appropriate retaining features and replacement planting implemented. For these reasons, we would recommend that a detailed site layout, landscape scheme (with sections) and arboricultural method statement and protection plan are submitted to and approved, in writing, by the Local Planning Authority. Planting must be prior to occupation of the site, and any failures should be replaced for the first 5 years of the scheme to ensure successful establishment.

ORS – Consultants for Council's GTAA

Pitches 10 to 21 are within the area of the application site known as the Old Willows mainly rented out to non-travellers. There are gates separating this area from pitches 1 to 9a, a separate area of travellers pitches. The only pitch we can confirm has Travellers living on it is the first on the right. We were told on two occasions by different residents that the majority of the park homes are rented by Eastern Europeans, this fits with our assessment based upon visiting numerous sites.

Broughton Parish Council

Reasons for Objection

Broughton Parish Council wishes to object to the above application and we have set out our reasons as below, however, there are some elements of information that it is important to refer to in order to relate context with the facts for this particular application.

Context

1. The Old Willows is a plot within the Old Northampton Road site, Broughton – also referred to as the Old A43 site.
2. The Old Northampton Road site was implemented originally as separate, individual family plots
3. The Old Willows has developed into a commercial lettings site adjacent to the original family plots
4. No application for the Old Willows since the original amendment in 2011 has been implemented in full and conditions met.
5. Conditions for KET/2014/0695 were never met and KET/2017/0980 was submitted as a compromise to regularise the previous application with the Planning Committee implementing a final 3 month compliance condition – this has never been implemented and we are now presented with this application in an attempt to regularise the situation.
6. We are presented with an application which is intensely muddled incorporating already occupied units with new units without clarification of who they will be for.

Reasons for Objection

1. Identified Need

It is relevant to refer to PPTS, p.24 :

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites: a) the existing level of local provision and need for sites

1 With the information currently available, we consider there to be no justifiable reason to extend the existing site on the grounds of need.

1.1 KBC can demonstrate a 5 year supply of pitches as stated in the Appeal Statement in relation to KET/2019/0711.

1.2 The application documentation gives no evidence that the proposed residents of the additional 4 pitches meet the criteria necessary to qualify for a Traveller pitch under the 2015 definition.

1.3 This proposal incorporates the existing approval KET/2017/0980 for 8 pitches. This permission consists of 2 pitches reserved for named families and 6 pitches for un-named occupants. There is no indication in the proposal that the restriction on the occupants of the named pitches would carry forward under any new approval and whether these families still require these pitches or whether they are available for alternative residents. There is also no evidence nor governance mechanism to establish in the proposal that the occupants of the 6 un-named pitches qualify for a Traveller pitch under the 2015 definition. There is evidence that these pitches have been

advertised at different times to let on the open market nationally on both social media and with Estate Agents property websites.

We consider that these issues should be addressed before determining whether there is additional need to extend the site as it is not clearly evident that this site is responding specifically to a Kettering Borough identified GTAA established need nor that the pitches can be leased correctly ad infinitum to continue to supply to this established need.

2. Deliverability of the Site

2.1 The application is without scale or clear design and introduces new stretches of land:

- a) The most southern end of the site has been extended to the next field hedge boundary from the previously established location site boundary (as have been evaluated and considered at several stages for planning applications during the past 10 years)
- b) a new width of land running along the whole eastern length (field side) of the Old Willows site and which has been extended to run further along the full length of the overall Northampton Road site, all without proper dimension. The location map indicates that the total length of this additional strip is of consideration, however, it is impossible to ascertain exact boundaries of what is actually being considered and the ownership over all of the land is unclear.

There have been no updated Land Registry records indicating any sale of land, the fields continue to serve for agricultural use and the surface of the Old Northampton Road had been revealed during the excavations. It is therefore uncertain whether the proposed development will be deliverable. Without clear evidence that all of the land is available to and in the ownership of the applicant any proposed pitches could not be considered to form part of the LPA pitch supply.

It is also useful to remember that The Old Willows was formerly Plot 10, Old Northampton Road and the original planning permission KET/2011/0363 consisted of 3 pitches comprising 1 mobile home and 1 associated touring caravan and 2 static caravans, a day room, toilet building. In KET/2014/0695, the site was extended to 6 pitches of one caravan or mobile home only reduced from a requested 10 pitches as the Officer expressed concerns over the number of pitches proposed due to the cramped form of development. We are now presented with an application for 12 pitches accommodating 14 caravans (including no more than 12 static caravans/mobile homes), 12 vehicles and 12 Light Goods Vehicles without any purchase of land being evidenced.

3. Harm to the Environment

3.1 The proposed site encroaches further into open countryside and has been substantially extended in length. Outline groundworks have in large part already been completed and the visual harm is clearly evident.

3.2 The natural undulating contour of the land has been altered with a very substantial bund having been built to provide a level surface for what appears to be a new hardcore road running from the Northampton Road entrance through to the southern end of the site where the Old Willows is situated and now extended. Hundreds of tonnes of soil, hedgerow and established trees have been removed roadside and fieldside and either have been reused in the building of the bund or burned in the case of the hedgerow/trees.

3.3 A 1.8m fence has been erected on the field side and additionally, if we are considering the site as indicated in the red-line location plan, a second fence has been raised at the Northampton Road entrance to create a separate entrance to the Old Willows therefore running the whole length of the site. The effect of this development to-date is clearly visible and has become a massively dominant feature in the open landscape of fields as the whole of the Northampton Road site (including the Old Willows) will now be enclosed with hard fencing where previously there were hedgerows and fields which were natural features in the landscape.

3.4 The proposed boundary treatment on the Eastern boundary is unacceptable as it would present an extensive stretch of 1.8m solid fence which would be clearly visible from the Public Rights of Way GD3 and GW14 in addition to users of local country lanes and Northampton Road exit from Broughton together with residents living in Donaldson Avenue Broughton. Once again, if we are considering the red line Location Plan, The Entrance to the site has received similar dominating boundary treatment and has become a dominant feature in itself.

3.5 We are assuming that this new stretch of land and separate boundary treatment is a separate entrance that has been created to serve the Old Willows only however there is no actual explanation of this in the application presented. No specification has been provided on construction of the substantial new bund (that is already been built).

3.6 This proposal could not be regarded as acceptable without the restoration of the substantial length of mixed hedgerow and trees which have been removed from the Eastern boundary as part of the excavations which have already taken place. For a similar mixed hedgerow and trees of what had previously been in place to be reinstated, significant further incursion into land not in the applicant's ownership would be required.

We can demonstrate by maps that this hedgerow was a significant landscape feature and has represented boundary for centuries.

3.7 In view of the history and feature that this boundary represents, Broughton Parish Council expects this boundary to be restored to its former state in keeping with its rural setting and to its former position.

3.8 The Western boundary with the A43 is the subject of an Enforcement Notice issued by Northamptonshire County Council Highways as the unauthorised excavation of the embankment supporting the A43 and adjacent cycle path has caused acknowledged potential damage to the integrity of the Highway which requires remediation.

The difference in land elevation between the A43 and the site is considerable, in some areas being in excess of 3 metres and the hedgerow which previously formed a visual and protective barrier has been largely, and in some areas completely removed, requiring temporary fencing to be erected. This constitutes a hazard to the users of the cycle path in addition to the potential risk to the highway. What hedgerow remains has in large part been substantially harmed with roots having been extensively damaged and now exposed. The likelihood of this damage being terminal is high. The proposal as presented with this application to construct a 2m breezeblock wall which would not even be the height of a caravan would seem entirely inadequate to restore not just the damage which has been done but to provide appropriate protection to any future residents and a suitable barrier from the potential danger of vehicles exiting the A43 which is a red route.

3.9 Broughton Parish Council would expect the hedgerow along the A43 to be replanted to restore both the visual aspect and provide an adequate natural safety feature for the users of the cycle path.

3.10 In the interests of safety and if the application is approved, is it possible for the satisfactory completion of the enforcement notice be conditioned prior to occupation of the site with caravans/residents?

3.11 Also, so that there is no confusion at all, can it be conditioned and made clear which authority – Highways/KBC has to sign off the enforcement notice?

3.12 If the application is refused, can it be clarified if the enforcement notices will fall back to NCC/Highways to implement in full.

3.13 The Applicant has notified in the application form that NCC/Highways have supplied the specification for the retaining wall however at the time of writing this response, NCC correspondence indicates that NCC have not provided this specification for this retaining wall and associated remedial works to the A43 embankment. It is questionable whether the viability of the proposal can be determined without this information.

We regard the completion of this enforcement as a fundamental priority as combined with the substantial loss of the natural barrier of what had previously been fairly dense hedgerow and trees, the integrity of the highway and footpath is of paramount importance considering the massive usage that it has and the

potential danger to residents should vehicles/pedestrians/cyclists fall into the Old Willows site without appropriate safety barriers being in place. The undulating landscape meaning that this drop can range from a couple of feet at the very furthest southern end to approx. 14 feet (where the BT fibre optic cabling was severed)

4. Inadequate infrastructure and management

4.1 In the absence of any detailed information having been submitted with the application, Broughton Parish Council deems the Layout Plan entirely inadequate for evaluation and consideration. This proposal cannot be deemed acceptable without evidence of appropriate infrastructure and amenity to support the residents of the proposed site which would constitute a community of 12 families alongside the existing family plots.

4.2 NNJCS Policy 31 In this case we deem “local” to be the Gypsy & Traveller community in Broughton as a whole as this proposal refers to only one part of the entire site (The Old Willows and Old Northampton Road) which will constitute 21 families if it is approved which constitutes a substantial community. Furthermore, BPC expresses concern that this site has become a mixed use site of 9 family plots and 1 large commercial residential letting site.

5. Sanitary Amenity

5.1 The proposal contains no provision for separate washroom/laundry facility. We consider that this is insufficient amenity provision for the density of occupation in limited housing space. It must be taken into consideration that each caravan unit may not be limited to a single family but may have multiple individual occupancy implying that private bathing/washing may be compromised without separate amenity.

A washroom and dayroom facility was included in the original application for 3 caravans in 2011 but has since been sacrificed to accommodate caravans only. We do not consider this to be a desirable nor sustainable strategy to see a loss of amenity. New development proposals should always contribute to and not adversely affect existing development and we consider this to be a fundamental consideration in light of cultural and customary practice that is seen with G&T applications.

There have been multiple incidents of human defecation in the adjoining fields and various other locations which have been reported to the Environmental Health team and our concerns remain that there is insufficient amenity currently provided and no provision for additional facilities proposed here.

5.2 The application form states that surface water drainage would be via soakaway, however, there is no plan or any details provided for this. It is to be remembered that the old A43 sits below the surface and is an impermeable layer.

6. Household waste

6.1 The proposal offers no plan for the disposal of household waste. The previous approval KET/2017/0980 indicated that an area for the storage of household waste and recyclables would be provided but the block plan gave no indication of where this would be. There is no evidence that Condition 9 from KET/2017/0980 was discharged.

6.2 The application form for the proposed extension indicates that the plan does not incorporate any area for the storage of waste or recyclables. The current application incorporates the previously approved 8 pitches so Broughton Parish Council considers it unacceptable to provide no adequate means of disposing of household refuse for a community of 12 families implying up to 36 refuse bins for this element of the site alone.

7. Sewage Disposal

7.1 The proposal suggests in the Application Form that there will be a Packaged Treatment Plant but the Layout Plan does not include the location of the equipment or the outflow to a suitable exit from the site. It is unclear whether the proposed equipment will serve only the new 4 caravans or the previously consented 2 static caravans or the entire 12 caravans.

7.2 There appears to be no evidence that the Condition 7 from KET/2014/0695 (6 caravans) and Condition 11 from KET/2017/0980 (total 8 caravans) have been discharged.

7.3 This proposal cannot be deemed acceptable without a plan to provide adequate foul water and sewage disposal. We refer to policy NNJCS policy 31:

8. Vehicle parking

8.1 The proposed Layout Plan does not give any indication of the capacity for parking the required number of vehicles i.e. each pitch to have 1 car plus 1 LGV for the entire site of 12 pitches.

We refer to the Committee Report KET/2017/0980 Northamptonshire Highways In response to both the initial proposal and revised proposals, no objections raised subject to conditions to include one parking space (2.5mx 5m) per mobile home;

8.2 The proposed Layout plan seems to suggest that the 4 proposed new pitches and the 2 previously consented under KET/2017/0980 will be smaller than those consented under KET/2014/0695 which were already considered to be smaller than other pitches in the Borough. This suggests that parking for 1 car plus 1 LGV per pitch would create a very cramped design and would represent a degradation of existing amenity and a significant visual degradation in the open countryside.

We refer to the Committee Report KET/2014/0695. The proposed pitch sizes range from 210 to 225 square metres. This is significantly smaller when compared to those directly north of the site.

8.3 The potentially cramped design could constitute a fire safety risk to proposed occupants. Parking vehicles in close proximity to the caravans leaving little or no gap between vehicles and accommodation may mean that fire could jump easily between the vehicles and caravans, all of which contain fire accelerants.

8.4 In the event of any serious fire there is the potential for occupants on the site becoming trapped between high fences and embankments with no escape route.

8.5 It is not clear that emergency vehicles would have sufficient access to the full extent of the site in view of the linear, narrow design, density and lack of clarity of definition of the site layout. We refer to Policy 8 NNJCS.

BPC is expressing concern at the lack of process, regulation and governance at this site. Any visit by any authority now requires police presence. It is a definite no-go area for any resident in Broughton, however, it is an eminently visible site for the settled community and all A43 road users to be able to be aware that due process is not being perceived to be respected which is enormously frustrating and generating considerable friction within the community. There appears to be little appetite to regulate and bring about a correctly managed site that can be implemented and equally upheld in a transparent way (un-implemented enforcement notice from 2012, abject non-compliance with site licence from 2012, unimplemented conditions of various planning decisions, development without authorisation and retrospective applications). We fear that the planning process is at risk of being undermined as the perception of conditions being put in place but are then proven to be unenforceable becomes pointless.

The site is becoming of a scale larger than anything elsewhere and looks much larger because of its linear design (500m in length). This is taking it to a new platform that KBC don't yet know if they want to achieve as policy.

KBC is shortly to bring its G&T Strategy to completion and, with the pressure of deliverability of need currently curtailed, we are therefore questioning with the deepest intent whether this is the time to permanently create something of such a large scale, complex composition with no way of knowing whether it will actually deliver to a GTAA need, before KBC implements this new Strategy.

The massive harm that this scale represents to our local countryside is permanent and will be lost.

For these reasons of no justifiable need, harm to the environment, lack of adequate infrastructure and lack of adequate amenity as represented above, Broughton Parish Council objects to this application.

Third Party Objections

8 third party objections to the application highlighting the following matters:

- The excessive number of plots is no longer sustainable
- Sits in open countryside
- History of antisocial behaviour from the pitches there
- Unauthorised works adjacent to the A43 have left the footpath with a precarious drop
- Increased traffic
- Does not respect surrounding landscape and planting removed
- There is online evidence that existing pitches are being offered for rent on a commercial basis, on the existing site
- Breaches of conditions on existing permission – these should be resolved before any further permission
- Close proximity of caravans to each other is unsafe
- No wash blocks for residents
- Burning of materials on the site

5 Planning Policy

National Planning Policy

Planning Policy for Traveller Sites (PPTS)

Applications should be determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and this Planning Policy for Traveller Sites published in August 2015.

Local Planning Authorities (LPAs) should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections

However, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

LPAs should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. They should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.

When considering applications, LPAs should attach weight to the following matters:

- a) Effective use of previously developed, untidy or derelict land
- b) Sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

If an LPA cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent decision when considering applications for the grant of temporary planning permission. There is no presumption that a temporary grant of permission should be granted permanently.

Ministerial Statement 2015

This ministerial statement announced intentional unauthorised development is a material consideration that would be weighed in the determination of planning applications and appeals. This applies to all new planning applications and appeals received since 31 August 2015.

National Planning Policy Framework

8. Promoting healthy and safe communities

Decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

9. Promoting sustainable transport

It should be ensured that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; any significant impacts on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Development should only be refused or prevented 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.

12. Achieving well-designed places

Planning decisions should ensure that developments: function well and add to the quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including landscape setting, establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible which promote health and well-being and

where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.

15. Conserving and enhancing the natural environment

Planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1 – Sustainable Development

Policy 3 – Landscape Character

Policy 4 – Ecology

Policy 8 – North Northamptonshire Place Shaping Principles

Policy 19 – The Delivery of Green Infrastructure

Policy 31 – Gypsies and Travellers and Travelling Showpeople

- (a) The site is closely linked to an existing settlement with an adequate range of services and facilities
- (b) The site, or the cumulative impact of the site, in combination with existing or planned sites, will not have an unacceptable impact on local infrastructure
- (c) The site provides a suitable level of residential amenity for the proposed residents
- (d) The site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal
- (e) There is satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles
- (f) The health and well-being of occupants is not put at risk including through unsafe access to the site, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land
- (g) The size and number of pitches does not dominate the nearest settled community
- (h) The proposed development does not have a significant adverse impact on the character of the landscape and takes account of the Landscape Character Assessment of the area. Appropriate landscaping and treatment to boundaries shall be provided to mitigate impact.

Broughton Neighbourhood Plan

Saved Policies in the Local Plan for Kettering Borough

7. Protection of the open countryside

RA5. Housing in the open countryside

Emerging Policies (Local Development Framework)

Part 2 Local Plan – The Submission Plan has been through the public inquiry and the Inspectors comments on modifications are awaited. Limited weight can be afforded to these emerging policies.

6 Financial/Resource Implications

It is considered likely that the applicant would submit an appeal against any refusal of planning permission.

7 Climate Change Implications

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

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

8 Planning Considerations

The key issues for consideration in this application are: -

1. Principle of Development
 2. JCS Policy 31 criteria, including landscape impact
 3. Five year supply of sites
 4. Ecology
 5. Intentional unauthorised development, including those to the bank adjacent to the A43
 6. Personal circumstances, Human Rights and Best interests of the child
 7. Planning Balance
1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy 31 of the North Northamptonshire Joint Core Strategy (JCS) refers specifically to sites for gypsies and travellers (and travelling show people). Saved Policy 7 of the Local Plan for Kettering refers to development in the open countryside. Policy 31 sets out a list of criteria, all of which should be satisfied in the consideration of a planning application.

Saved Policy 7 provides protection for the open countryside and does not set out a blanket ban on all such development if it is provided for elsewhere in the plan. Policy RA5 (which is also saved) states that planning permission will not normally be granted for residential development in the open countryside. However, exceptions may include Gypsy and Traveller sites. RA5 refers to Policy 119 in relation to Gypsy sites but is it not a saved policy and no longer valid.

The principle of allowing new sites for gypsy and traveller site development is acceptable subject to each development meeting the criteria set out in JCS Policy 31. Section 2 below sets out the officer's assessment of the proposed site against these criteria.

The PPTS is a material planning consideration. Paragraph 25 of the PPTS states that Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. The site is not allocated, and it is clear that the term "very strictly limit" means that considerable weight should be given to limiting such development which is away from existing settlements or outside areas allocated in the Development Plan.

In this case the west side of Old Northampton Road has been subject to a series of permissions over the years for gypsy and traveller plots. Broughton is a short distance to the north east and as a result it is not considered, having regard to the overall number of plots in this location, that there can be an in-principle objection to an increase in 4 plots in this location.

A further "in principle" issue is whether the applicants meet the definition of a Gypsy or Traveller as set out in Annex 1: Glossary of the Planning Policy for Traveller Sites. This is set out as;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such"

In this case there is limited evidence before officers to suggest that the applicant or site occupants WILL meet the above definition. The agent states:

“The applicant, Mr Felix Doran, and prospective site residents are Irish travellers and, have been travelling extensively in order to make their living. I am personally aware of Felix and his extended family travelling for work in the Hampshire area, as well as, more recently, in the East Midlands. They have been searching for a settled base for several years and, moving to Old Northampton Road will allow the extended family to put children into school and, register with doctors.”

This assertion by the agent contrasts strongly with the findings of ORS when they recently conducted interviews in the locality as part of the Council’s Gypsy and Travellers Needs Assessment. On their visit to the application site there were 12 caravans and following interviews it was determined that all but one of the occupiers did not satisfy the planning definition of gypsies and travellers and were in fact being rented by East Europeans.

This evidence is supported by the objection of Broughton Parish Council where they refer to pitches being advertised at different times to let on the open market and Officers own research which has found some of these advertisements.

On this basis Officers are not convinced that there is a need for these additional pitches, based upon the evidence provided by the agent in support of the application.

Policy 31 of the JCS would only permit this development in the open countryside if it meets all the criteria of that policy. Paragraph 25 of the PPTS states that such development should be very strictly limited. So, in assessing both these approaches (Development Plan and PPTS policy) it is considered that the acceptability or otherwise of development will come down to whether the proposals conform with policy and the weight of all the material considerations taken together in the planning balance.

2. JCS Policy 31 Criteria, including landscape impact

Policy 31 states that applications for gypsy and traveller sites should satisfy all of the criteria listed in this policy.

Before dealing with the individual criteria of JCS Policy 31 it is material that officers have concluded that they are not satisfied that the application is for a gypsy and traveller site. As a starting point it is therefore questionable if JCS Policy 31 is applicable at all.

a) The site is closely linked to an existing settlement with an adequate range of services and facilities.

As described earlier, the settlement of Broughton is less than 1km from the site which has a primary school, shops, post office facilities, public house and hot food takeaways. The village of Mawsley has doctors, dentist, café, nursery and a primary school which is 3.2km from the site. The town of Kettering is approximately 3.5km away and has a range of services and facilities commensurate with that of a large town.

The conclusion is that this is a sustainable location for the proposals. This conclusion is consistent with previous applications.

b) The site, or the cumulative impact of the site, in combination with existing or planned sites, will not have an unacceptable impact on local infrastructure

There is not considered to be a cumulative impact when considering other existing sites in this locality. The increase in 4 pitches considering the overall number of pitches in this location would not suddenly lead to the sites as a whole having an unacceptable impact on local infrastructure.

c) The site provides a suitable level of residential amenity for the proposed residents

There are no current nationally set standards for pitch sizes following the revocation of the 2008 Designing Gypsy and Traveller Sites – A Good Practice Guide. However, as an example, the pitch sizes at the Council's Laurels Site vary between 250 square metres to 350 square metres. Elsewhere, where Councils have adopted such guidance, a single pitch can vary from 300 to 500 square metres to take into account sufficient fire separation.

In this case, as with previous applications, the first 6 pitches measure between 225sq m and 285 sq m and this is considered an acceptable size to accommodate a static caravan home, touring caravan and, if required, a utility building as well as parking.

The now withdrawn Government advice on Designing Gypsy Sites advocates a minimum of 6m between caravans. This is just achieved for the remaining 6 caravans shown on the submitted block plan but is otherwise constrained, since the site tapers to the south the applicant has had to remove the eastern boundary hedgerow/tree belt as well as excavate into the bank adjacent to the A43, as well as lay the whole site to hardstanding. The same advice also indicates that each plot should be individually demarcated. This is not proposed. It is also considered that parking should be adjacent to each caravan and that there should be room for a utility/amenity building. No such building is proposed and there does not appear to be any room for any future provision for either individual or communal utility/amenity buildings.

The first unit beyond the historic 6 pitches is just 3m from the boundary with the pitch to the north and if a caravan were to be sited on the southern edge of that plot then this first caravan would be too close and thus give rise to a fire danger.

All of the caravans are shown to be within 2 to 2.5m of the A43 boundary and yet details of the retaining wall are not known. If it has to have a wider base for structural reasons then this small gap will diminish further. In addition, the landscape advice is that the excavated areas need to be reinstated in order to ensure the long-term survival of the boundary planting. As it currently stands the landscape advice is that the planting along the A43 boundary will soon fail

as the embankment has been cut in too deep. This would open up the site to clear views from the A43 and would give rise to an unacceptable visual impact and result in there being no planting to provide a buffer to the caravans sited close to this boundary from users of the A43.

Moreover, the narrowness of this part of the site has resulted in the access drive to the southern units being within the area formally occupied by the boundary hedgerow. The landscape advice is that the removal of the hedgerow has given rise to significant concerns regarding the negative impact the proposed development will have on the landscape character, green infrastructure and visual amenity of the site.

As stated earlier, the 2017 permission is for 8 statics and 2 tourers, so this application is for an additional 4 static caravans. However, the submitted block plan only shows the 6 historic pitches and then the siting of 6 static caravans, but does not show how 2 touring caravans would fit on the site. Given the concerns Officers have about the narrowness of the site, the removal of the boundary landscaping and the tightness of the turning area there would appear to be no room for the two touring caravans.

Consideration has been given as to what is stated in the PPTS about sites being well planted or soft landscaped in such a way as to positively enhance the environment and increase its openness; promote opportunities for healthy lifestyle such as ensuring adequate landscaping and play areas for children and not enclose a site with so much hard landscaping, high walls or fences that the impression may be given that the site occupants are deliberately isolated from the rest of the community.

Taking these factors together Officers are not satisfied that the proposed layout of the southern part of the site would provide a satisfactory level of amenity for the proposed occupiers.

d) The site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal

The existing site has mains water and electric and foul is treated through two septic tanks. There is no evidence to indicate that there is insufficient provision.

e) There is satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles

A turn on site facility is shown but no tracking has been provided to demonstrate that this is sufficient to enable a bin lorry or emergency vehicle to utilise. The overall depth of this area, including the access is just 14m – to the extended site boundary. The length of a standard bin lorry is 8-9m. The generally accepted minimum distance to enable a bin lorry to turn is 4.5m so it is questionable, on this proposed layout, as to whether a bin lorry could turn on the site. Bearing in mind the length of the road it is considered important to have a turn on site facility for service and emergency vehicles. Given the need to increase the pitch sizes and provide greater separation it is considered that

a proper turning head to serve this development is unachievable with the current configuration.

f) The health and well-being of occupants is not put at risk including through unsafe access to the site, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land

The road to the site is of a reasonable width and there are no safety concerns at its junction.

Environmental Health have not raised any concerns with regard to the proximity of the caravans to the A43 in respect of noise or pollution.

The site is within Flood Zone 1 and therefore flood risk is not considered to be an issue.

Due to lack of information regarding the proposed retaining wall there is uncertainty as to whether this will present a risk of collapse and endanger future residents.

g) The size and number of pitches does not dominate the nearest settled community

The NPPF and PPTS 2015 provides some guidance in respect of cumulative impact. The Government's aim is to reduce tension between the settled and travelling communities and in order to achieve this PPTS 2015 requires that when assessing the suitability of sites in rural or semi-rural settings, an LPA should ensure that the scale of development does not dominate the nearest settled community.

The population of Broughton was 2,208 at the 2011 Census. There are a number of facilities in the village including a primary school, convenience shop, public house, take-away, village hall and recreation ground. Other facilities such as a doctor's surgery and dentist are available at Mawsley, located approximately 2 km west of the site. Another gypsy and traveller site abuts the application site to the north, this provides 13 pitches.

Taking into account the population size of Broughton it is considered that the additional 4 pitches would not result in the proposed development dominating the nearest settled population.

h) The proposed development does not have a significant adverse impact on the character of the landscape and takes account of the Landscape Character Assessment of the area. Appropriate landscaping and treatment to boundaries shall be provided to mitigate impact.

The application is not submitted with any information to demonstrate that the applicant had considered the landscape impact of the development.

The site was formally located within the most sheltered part of the parcel of land between the old and new A43 and took advantage of natural topography and vegetation screening to minimise its landscape influence.

It is accepted that the site is located within the most sheltered part of the land on the west side of Old Northampton Road, however, it is the removal of the hedgerow that has opened up the site to views from Top Road (A43 to Pytchley Crossroads) to the southeast.

During the site visit, by both the case officer and the landscape consultee, it was clear that the existing vegetation on the south eastern edge of the application site had been removed and replaced with a compacted stone surface treatment and a timber post and rail fence. Further north along the south western edge of Old Northampton Road (outside the site boundary), vegetation has been retained in places, with intermittent gaps with fly-tipping and spoil mounds present. Hedgerows are important elements of any landscape, not only providing important wildlife corridors and drainage opportunities, but also filtering views and shaping the landscape. If the hedgerow were still present, these would have been strongly representative of the local landscape character, screening the more disruptive elements of what is noticeably a rural open landscape.

There is also concern regarding the encroachment into the A43 embankment and the proposed retaining wall. Although the wall would be necessary to avoid soil slippage and movement, the existing embankment has already been cut into, revealing tree and shrub root systems. Because of this, there is a concern that the vegetation on this embankment will soon fail as the embankment has been cut in too deep. If the planting fails, this will leave a significant area of the vegetation screening bare, exposing the site and the residential structures and related assets.

In terms of visual amenity, the locally undulating topography and the strong local field boundaries are such that the visual envelope of the site is restricted to views from the public highway (Broughton Road) and a Public Rights of Way footpath (GW14). The site and its infrastructure will be clearly visible from these receptors and it is anticipated that they will have an incongruous appearance in this rural landscape, especially given the lack of existing and/or proposed screening. It's acknowledged that some of the existing structures along Old Northampton road are also visible, however, this is only in areas where the existing vegetation isn't present.

Since the proposed development on the site has been found to be very tight with little space around the proposed static caravans and no apparent room for the 2no touring caravans it is concluded that there is little, if indeed, no chance of providing a satisfactory landscape belt along the east boundary and at the same time facilitating the scale of development proposed. Moreover, the need to ensure the long-term retention of the screening along the A43 boundary would necessitate the reinstatement of the bank that has been removed, further reducing the amount of space left within the site. Accordingly, the issues are more fundamental than just imposing a landscape condition. To result in a landscape scheme which would be acceptable on landscape terms it is

considered that there would need to be a fundamental change in the scale of the development along with the siting of the proposed units. For these reasons a condition is not appropriate and therefore unacceptable landscape harm is therefore considered to arise.

3. Five Year Supply of Sites

Paragraph 27 of the PPTS states;

“If a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of a temporary planning permission”

This has been held not to be the same as the presumption in favour of sustainable development as set out in the case of NPPF (Swale Borough Council and Secretary of State for HCLG) and Mr S Maughan and Others 2018 EWHC 3402 Admin. This judgement sets out that two features of paragraph 27 are of particular relevance, namely;

- The existence of a shortfall (in supply) is in itself a *“significant material consideration.”* This excludes a characterisation of the shortfall, so although there is still a balance to be struck it is not the same as the tilted balance to be applied through paragraph 14 of the NPPF. The balance mechanism under the PPTS remains the same throughout and paragraph 27 gives indication to the weight of the factor in the balance (i.e. significant).
- The second feature of paragraph 27 is that it is expressed to go to a decision on temporary planning permission. The footnote to paragraph 27 provides *“there is no presumption that a temporary grant of permission should be granted permanently.”* The intention is that the response to a shortfall in the required five-year supply of deliverable sites may, in an appropriate case, be the granting of planning permission for a temporary period during which, the LPA will make efforts to address the shortfall and meet its obligations under paragraph 10 (of the PPTS) to ensure a five-year supply of deliverable sites.

In accordance with the NPPF and the PPTS, Local Planning Authorities are required to make their own assessments on the need for gypsy/traveller sites in their area and to ensure that there is a supply of deliverable sites to meet locally set targets. For sites to be considered as ‘deliverable’, these should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years.

The adopted Joint Core Strategy identified a need for 13 pitches for the period 2011-22. These figures were identified in the 2011 Northamptonshire GTAA. A new GTAA was completed for North Northamptonshire that was published in 2019. This covered the period 2018-33 and superseded the outcomes of the previous GTAA with a new baseline date of July 2018.

The latest GTAA of March 2019 reflects the new PPTS definition and provides an identified need up to 2033 of 23 pitches. The current period to be assessed in terms of 5-year supply is between 2020/21 and 2024/25. The Council needs to deliver 15 pitches over this 5-year period and based on sites that have been granted planning permission, that have not yet been delivered, there is a 5-year supply of 18 pitches for this period. This is sufficient to meet all of the 5-year need identified in the 2019 GTAA, as well as some of the future need beyond 5-years.

Furthermore, if pitches on developed sites that have been granted planning permission but are not currently occupied by Travellers are taken into consideration, including those on the application site, there is a 5-year supply of 39 pitches.

A planning application for a new site of 10 pitches at land off Stoke Albany Road in Desborough was approved in July 2009 (KET/2009/0155). In the Committee Report for planning applications at Desborough Road, Stoke Albany KET/2019/0245 & 0445 [that is the subject of current appeals], the Council took a cautious approach to the inclusion of this site in the 5-year land supply and excluded the site due to concerns at that time about the deliverability of the pitches. However, since this time the position has changed. Whilst this site is not yet operational, conditions have been discharged by the current landowner and the development has commenced. Accordingly, the permission remains live.

The Council is currently in the process of negotiating to purchase the site from the current owner in order to bring this site forward to meet identified need. The Council, on 15th June 2020, wrote to the agent representing the landowner in June 2020 setting out that authority will be sought at a meeting of its Executive to commence with the necessary statutory processes required to make a Purchase Order (CPO) if they do not agree terms to sell the land by 15th August 2020. This authority was provided at the Council's Executive meeting of 15th September 2020, negotiations continue in respect of purchasing the land while the CPO progresses.

The 10 pitches at land off Stoke Albany Road in Desborough must be considered deliverable when looking at the 5 year supply of pitches. This is because PPTS footnote 4 makes clear that to be considered deliverable: *“sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”*

The overall accommodation needs for Gypsies, Travellers and Travelling Showpeople in Kettering that has been identified in the GTAA is accurate and robust, and in line with national policy and guidance.

There is no need for additional pitches to come forward at this stage. Moreover, as set out in Section 8.1, there is clear evidence arising from ORS interviews

that all but one of the previous 10 static caravans on this site were occupied by persons who did not meet the definition of a gypsy or traveller.

There is permission for 8 static caravans and 2 touring caravans on this site. There is no evidence to demonstrate that the applicant and his family cannot be accommodated within the parameters of the existing permission. Accordingly, it is concluded that there is no need for the additional pitches.

4. Ecology

The NPPF states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity. Paragraph 99 of Circular 06/05 states that: it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise, section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity. JCS Policy 4 sets out that existing biodiversity assets will be protected and ecological networks enhanced. The approach is supported by the NPPF.

The application is not accompanied by any ecological information.

The approach of the Council in dealing with gypsy sites in this location has been to ensure that all boundary hedgerows and trees are retained, care should be taken not to damage the eastern verge of the adjacent section of the A43 which provides a screen to users of the strategic road network of the gypsy sites.

The Landscape consultee also considered ecology. They note that the site is situated within a Local Green Infrastructure (GI) Corridor; Sywell Reservoir – Broughton. Local GI corridors cover a variety of land uses and provide opportunities for projects and investment at a local scale that benefits at a community level. Natural England encourages the integration of green infrastructure at the outset of development so that the greatest benefits will be gained. Therefore, it would be expected that development located within the GI network will be expected to contribute towards its enhancement. However, currently the proposed scheme results in a loss of GI, causing habitat fragmentation and biodiversity net loss, which is contrary to Policy 4.

5. Intentional unauthorised development, including those to the bank adjacent to the A43

It is Government policy that intentional unauthorised development is a material consideration that would be weighed in the determination of planning applications and appeals. The ministerial statement announcing this policy stated that it applies to all new planning applications and appeals received since 31 August 2015.

The intentional unauthorised development of the site is a material consideration that should be weighed in the determination of this planning application. The written ministerial statement announcing this policy expressed concern that where the development of land has been undertaken in advance of obtaining planning permission there is no opportunity to appropriately limit or mitigate the harm that may have been caused.

It is the opinion of officers that the removal of the eastern hedgerow; the cutting into the embankment to the A43 on the west side and the laying of the whole site down to hardsurfacing were all acts of intentional unauthorised development, all of which were aimed at increasing the size of the site in order to try and accommodate the number of additional pitches proposed.

These works have resulted in clear landscape and ecological harm which is contrary to policy.

The Highway Authority are also concerned that the works to the A43 embankment have, or will undermine the structural stability of this part of the A43.

This intentional unauthorised development and the subsequent retrospective planning application must weigh against planning permission being granted.

6. Personal Circumstances, Human Rights and the Best Interests of the Child

Public Sector Equality Duty

Under the Equality Act 2010 people who have “protected characteristics” are protected under the Act. This includes race. A gypsy or traveller who does not meet the definition of a traveller under the PPTS is still of protected status if an ethnic gypsy or traveller. Public Authorities in undertaking their functions have to have due regard to the need to;

- Eliminate unlawful discrimination
- Advance equality of opportunity between those people who share a protected characteristic and those who don't
- Foster or encourage good relations between those people who share a protected characteristic and those who don't

Human Rights Act 1998 (derived from EU Convention on Human Rights)

Article 8 – Right to respect for family and private life, home and correspondence. This is a qualified right and does not automatically override other legislation or considerations.

Article 14 – that the rights and freedoms set out in the Convention are secured without discrimination.

UN Convention on the Rights of the Child

Article 3 – best interests of the child. In all actions concerning children (including those taken by administrative authorities) the best interests of the child shall be a primary consideration.

Summary:

Little in the way of personal circumstances have been provided and there are no details on health or the education needs of children.

Even if there were substantial personal circumstances they are unlikely to be considered to outweigh the planning harm set out in this report. It is considered that any inference with human rights is proportionate.

7. Planning Balance

Balancing the limited information on personal circumstances and the needs of the child, against the fact there is robust evidence for a 5 year supply of sites; existing pitches appearing to be occupied by non-travellers; the cramped nature of the site and the extensive use of hardstanding giving rise to an unacceptable living environment; the loss of the eastern hedgerow/tree belt opening up the site to views and creating an undesirable precedent in respect of the possible loss of the remainder of that hedgerow; the damage caused by the cutting into the embankment which could lead to the loss of all the landscaping along this boundary; the harm to ecological interests arising from the removal of the eastern hedgerow and likely future loss of the western hedgerow; concerns with regard to the structural stability of this part of the A43; along with the fact that this was intentional unauthorised development leads Officers to the clear conclusion that planning permission should be refused.

Conclusion

The material considerations supporting the proposal do not outweigh the material objections against the proposal and the fact that the proposal is contrary to the adopted Development Plan.

The application is therefore recommended for refusal for the reasons set out in this report

Background Papers

Title of Document:

Date:

Contact Officer:

James Wilson, Interim Head Of Development Services on 01536 534316

Previous Reports/Minutes

Ref:

Date:

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.1
Report Originator	James Wilson Interim Head Of Development Services	Application No: KET/2020/0318
Wards Affected	Slade	
Location	The Old Willows, 10 The Old Northampton Road, Broughton	
Proposal	Full Application: Change of use of part of application site from unused land to use as an extension to a residential caravan site and taken together with the existing site would be for 12 traveller families, each with one caravan/mobile home including laying of hardstanding and construction of retaining wall	
Applicant	Mr F Doran	

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 site layout would be cramped and dominated by hardstanding, there is minimal room for parking and turning; no room for utility/amenity blocks, touring caravans and space for the storage of equipment; and, absence of any landscaping within the site enclosed with 1.8m fencing. The site layout is therefore considered to provide insufficient amenity for occupiers contrary to paragraph 26 of the Planning Policy for Travellers Sites [2015] and with Policy 31 of the North Northamptonshire Joint Core Strategy.
2. The opening up of the site by removal of screen planting along the east boundary and the likely loss of screen planting along the west boundary, due to excavation works into the embankment, have and will result in the site and its infrastructure being clearly visible from the public highway [Broughton Road and the A43] and a Public Rights of Way footpath [GW14] such that have/will result in an incongruous appearance in this rural landscape contrary to Policies 3, 19 and 31 of the North Northamptonshire Joint Core Strategy and Policy 7 of the Kettering Local Plan Saved Policies.
3. The loss of the hedgerow and associated trees have an adverse impact on the green infrastructure and ecological network, by causing habitat fragmentation and biodiversity net loss contrary to Policies 4 and 19 of the North Northamptonshire Joint Core Strategy.
4. The removal of the eastern hedgerow, the cutting into the western embankment and the covering of the whole site with hardsurfacing represent intentional unauthorised

development which is considered was undertaken with the sole purpose of undermining the full and proper consideration of the impact of the proposed development contrary to Government Policy.

5. Insufficient information has been submitted to assess the suitability and appropriateness of the proposed retaining wall in terms of protecting the structural stability of the A43 to ensure that it is to the necessary standard to fulfil its function as part of the strategic road network contrary to Policy 17 of the North Northamptonshire Joint Core Strategy.

6. The Council considers that there is a five year supply of pitches for Gypsies and Travellers within the Borough and there is a lack of evidence for the need for the additional pitches. Having regard to the harms identified above it is considered there is a lack of weight to be attached to need such that it is sufficient to outweigh the strong objections to the use of the land in the manner proposed.

Officers Report for KET/2020/0318

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3 Information

Relevant Planning History

KET/2017/0980: (1) To accommodate 2 no. static caravans, 2 no. touring caravans, parking for four cars with play area, and associated hardstanding on an existing gypsy site. (2) Application amended by revised layout and whole site is within the application and to include in the description of development 6 other pitches for gypsy/travellers (the 6 previously consented pitches) shown on layout – APPROVED – 13.04.18

KET/2016/0847: Refused on grounds of overdevelopment, 24/07/17. This was a proposal for accommodation of 10 static caravans for gypsies and travellers, to be positioned at the western side of the site. Alongside each static caravan would be space for a vehicle to be parked. This would have been an additional 4 pitches on top of the extant permission for 6 pitches and a play area that had earlier been granted, see below, ref: KET/2014/0659.

KET/2014/0695 - Change of Use (from 3 pitch traveller site and former highway land) to Permanent Gypsy and Traveller Site for 6 no. Pitches and Play Area – APPROVED – 03.07.15

KET/2011/0363 - Change of use of land to residential gypsy traveller site of 3 no. pitches, comprising 1 no. mobile home, 1 no. associated touring caravan, 2 no. static caravans, together with the retention of a day room, toilet building, associated hard standing, external lighting and septic tank Klargestor - APPROVED 20.06.12

KE/93/0217 - [Plots 1- 9a and application site] Change Of Use: Proposed Residential Caravan Site For Seven Families - Refused: 25.03.93; APPEAL ALLOWED 11.07.94.

Site Visit

A site inspection was carried out on 4th August 2020

Site Description

The Old Willows is part of an area of established gypsy and travellers' pitches situated on remnants of the old A43, approximately 600 metres south west of the village of Broughton. To the immediate north the established gypsy and traveller pitches total 13 in number and appear to be in the control of owners who occupy the sites.

Beyond the east side of the Old Willows is land which is open countryside. The other side of the western boundary behind a raised area of bank is the A43.

Beyond the south side of the site after the site tapers is the alignment of the A43 and countryside either side of that road.

The permitted extent of the Old Willows site measures approximately 14m width at its narrowest point at the southern end, 23m width near to the site entrance along the northern side; and is approx. 126m long at mid- point (an area 0.2ha). Within that area there should be six large plots measuring between 15m x 15m [at the southern end] to 15m x 19m [at the northern end, all located on the west side of the former A43. These are the plots originally permitted under KET/2014/0695. At the southern end, with a more informal layout are permitted 2no static caravans, 2no touring caravans and a play area. This area was permitted under KET/2017/0980.

At the time of the August 2020 site visit the site contained a total of 7 large static caravans, (10m x 3.5m) all of which were in an alignment at the western side of the line of the track through the site.

The whole of the remainder of the land – including land to the south and east of the permitted site had been subject to substantial engineering works, resulting in the laying of an extensive area of hardstanding; the removal of part of the bank adjacent to the A43; and, the loss of the grassed area and hedgerow along the eastern boundary.

Proposed Development

In the Planning Statement accompanying the application the proposed development is described as being *“for two additional Static Caravans and two touring caravans with additional parking for the family who require a place on the site”*.

However, the 2017 permission is for 8 statics and 2 tourers, so Officers consider that this application is for an additional 4 static caravans.

In this regard the submitted block plan shows the 6 historic pitches and then the siting of 6 static caravans, but does not show how 2 touring caravans would fit on the site, there are no specific parking areas and there would be no room for future amenity buildings.

In addition, the submitted block also shows the removal of the landscaping along the eastern boundary and the provision of a retaining wall along the west boundary, adjacent to the A43, with a lay area at the southern end. The result would be a width of 32m at its northern end and an overall length of 184m.

No screen planting on the eastern side is shown, instead a 1.8m high close-boarded fence is proposed.

Any Constraints Affecting the Site

Open countryside/outside village boundary

Requirement of retaining Wall for the embankment to the A43

4 Consultation and Customer Impact

Summaries of responses received are below.

Local Highway Authority (LHA)

Second Response [email to Broughton Parish Council]

The Highway Authority has assessed the excavation area and does not consider that there are any immediate concerns regarding potential subsidence. However, we do require that a retaining wall is constructed for the long-term structural integrity of the highway carriageway at this locality.

Highway Authority has been in discussion with the planning applicant about this matter and has agreed to provide a design specification so that this matter can be incorporated in the planning application for the site proposal. This work has been ongoing and unfortunately has been delayed because of some further ground excavations investigations that we considered were necessary. I am awaiting an update for when this will be available.

I note your comments concerning the actual construction and cost of the retaining wall. The information that you have been provided with is incorrect. The intention is that although the Highway Authority is providing the design specification for the wall the intention will be for the planning applicant to be responsible for the actual construction. The Highway Authority would retain responsibility for inspecting the wall during construction to ensure that it meets the required design specification.

First Response

The Local Highway Authority (LHA) request an extension of time in providing a response to this application. The LHA are awaiting comments from other disciplines relating to the retaining wall and will provide a full response to this application as soon as is possible.

The application site is not affected by a Public Right of Way.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

Environmental Protection

No comments.

Place Services, Essex County Council – Landscape and Ecology Advice

Landscape and Visual Impact

Although no Landscape and Visual Impact Assessment or Appraisal has been submitted as part of this application, it's important that these environmental factors are taken into consideration when assessing the scheme. Currently,

given the removal of existing vegetation and the open wide views available to the site from nearby transport routes, we are concerned that the likely effects of the proposed development on landscape character and visual amenity would be adverse and in turn not comply with Policies 3, 4 and 19 of the Joint Core Strategy and Policy 7 of the Kettering Borough Local Plan.

The importance of understanding the landscape character of all landscapes in England is recognised in the National Planning Policy Framework, which states that planning policies and decisions should contribute to the natural environment by: *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services”*. Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

Effects on landscape character can be both direct, i.e. on the character area/landscape type that the site is located within, and indirect, i.e. changes to characteristics or perceptions of character that occur beyond the boundary of a character area/landscape type. In addition, effects on landscape character may be positive or negative, i.e. strengthening and enhancing the characteristic patterns and features, or eroding and losing the patterns and features that contribute to landscape character.

In regard to this application site, the national published landscape character, states that the site is located within the Northamptonshire Vales National Character Area, an open landscape of gently undulating clay ridges and valleys with occasional steep scarp slopes. Generally, there is an overall visual uniformity to the landscape and settlement pattern.

In terms of local landscape character, the site is located within the Clay Plateau Landscape Character (LC) Types, and more locally the Sywell Plateau LC Area. The area is characterised by a predominance of large to medium to large scale arable fields generally regular or sub regular in shape. Other relevant characteristics include:

- broad, elevated undulating plateau dissected and drained by numerous valleys with convex profile valley sides;
- expansive, long distance and panoramic views across open areas of plateau;
- limited woodland / tree cover comprising broadleaved woodlands and mature hedgerow trees;
- productive arable farmland within medium and large-scale fields; and
- hedgerows are often low and well clipped, although intermittent sections show evidence of decline, and emphasise the undulating character of the landscape.

During the site visit, it was clear that that the existing vegetation on the south eastern edge of the application site had been removed and replaced with a compacted stone surface treatment and a timber post and rail fence. Further north along the south western edge of Old Northampton Road (outside the site boundary), vegetation has been retained in places, with intermittent gaps with

fly-tipping and spoil mounds present. Hedgerows are important elements of any landscape, not only providing important wildlife corridors and drainage opportunities, but also filtering views and shaping the landscape. If the hedgerow were still present, these would have been strongly representative of the local landscape character, screening the more disruptive elements of what is noticeably a rural open landscape. On review of OS maps dating back to 1885 (OS One Inch 1885-1900), it's also believed that the removed hedgerow may have formed part of the original boundary planting of Old Northampton Road and the adjacent arable fields.

We also have concerns regarding the encroachment into the A43 embankment and the proposed retaining wall. Although we understand the wall would be necessary to avoid soil slippage and movement, the existing embankment has already been cut into, revealing tree and shrub root systems. Because of this, there is a concern that the vegetation on this embankment will soon fail as the embankment has been cut in too deep. If the planting fails, this will leave a significant area of the vegetation screening bare, exposing the site and the residential structures and related assets. To ensure the correct methods were used to remove soil for the embankment, we would have expected a BS 5837:2012 Arboricultural survey and impact assessment to have been submitted and approved by the LPA to ensure the proposed works did not have an adverse impact on the boundary trees and shrubs. This should then have been accompanied by a method statement, ensuring work to retained trees is minimised and protection measures are in place.

The site is situated within a Local Green Infrastructure (GI) Corridor; Sywell Reservoir – Broughton. Local GI corridors cover a variety of land uses and provide opportunities for projects and investment at a local scale that benefits at a community level. Natural England encourages the integration of green infrastructure at the outset of development so that the greatest benefits will be gained. Therefore, it would be expected that development located within the GI network will be expected to contribute towards its enhancement. However currently the proposed scheme results in a loss of GI, causing habitat fragmentation and biodiversity net loss, which isn't acceptable.

For these reasons, we would recommend that a detailed site layout and landscape scheme is submitted to and approved, in writing, by the Local Planning Authority. A specification of soft landscaping, including proposed trees, plants and seed mixes should be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. We would expect for this to be planted in advance of occupation of the site, and that any failures be replaced for the first 5 years of the scheme to ensure successful establishment.

In terms of visual amenity, the locally undulating topography and the strong local field boundaries are such that the visual envelope of the site is restricted to views from the public highway (Broughton Road) and a Public Rights of Way footpath (GW14). The site and its infrastructure will be clearly visible from these receptors

and its anticipated that they will have an incongruous appearance in this rural landscape, especially given the lack of existing and/or proposed screening. It's acknowledged that some of the existing structures along Old Northampton road are also visible, however, this is only in areas where the existing vegetation isn't present.

Summary

In summary, we have significant concerns regarding the negative impact the proposed development will have on the landscape character, green infrastructure and visual amenity of the site. As a result, the application does not meet the requirements under Policies 3, 4 and 19 of the JCS and Policy 7 of the Kettering Local Plan Saved Policies. For the development to be considered for approval, there needs to be due consideration for landscape impacts of the proposals, with a reduction of the hard- standing footprint to allow for the replacement of the hedgerow and associated hedgerow trees along the south eastern boundary. The loss of the hedgerow and associated trees does not only have an adverse impact on landscape and visual amenity, but also the green infrastructure and ecological network, by causing habitat fragmentation and biodiversity net loss. Similarly, the A43 embankment should be reinstated regraded, with appropriate retaining features and replacement planting implemented. For these reasons, we would recommend that a detailed site layout, landscape scheme (with sections) and arboricultural method statement and protection plan are submitted to and approved, in writing, by the Local Planning Authority. Planting must be prior to occupation of the site, and any failures should be replaced for the first 5 years of the scheme to ensure successful establishment.

ORS – Consultants for Council's GTAA

Pitches 10 to 21 are within the area of the application site known as the Old Willows mainly rented out to non-travellers. There are gates separating this area from pitches 1 to 9a, a separate area of travellers pitches. The only pitch we can confirm has Travellers living on it is the first on the right. We were told on two occasions by different residents that the majority of the park homes are rented by Eastern Europeans, this fits with our assessment based upon visiting numerous sites.

Broughton Parish Council

Reasons for Objection

Broughton Parish Council wishes to object to the above application and we have set out our reasons as below, however, there are some elements of information that it is important to refer to in order to relate context with the facts for this particular application.

Context

1. The Old Willows is a plot within the Old Northampton Road site, Broughton – also referred to as the Old A43 site.
2. The Old Northampton Road site was implemented originally as separate, individual family plots
3. The Old Willows has developed into a commercial lettings site adjacent to the original family plots
4. No application for the Old Willows since the original amendment in 2011 has been implemented in full and conditions met.
5. Conditions for KET/2014/0695 were never met and KET/2017/0980 was submitted as a compromise to regularise the previous application with the Planning Committee implementing a final 3 month compliance condition – this has never been implemented and we are now presented with this application in an attempt to regularise the situation.
6. We are presented with an application which is intensely muddled incorporating already occupied units with new units without clarification of who they will be for.

Reasons for Objection

1. Identified Need

It is relevant to refer to PPTS, p.24 :

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites: a) the existing level of local provision and need for sites

1 With the information currently available, we consider there to be no justifiable reason to extend the existing site on the grounds of need.

1.1 KBC can demonstrate a 5 year supply of pitches as stated in the Appeal Statement in relation to KET/2019/0711.

1.2 The application documentation gives no evidence that the proposed residents of the additional 4 pitches meet the criteria necessary to qualify for a Traveller pitch under the 2015 definition.

1.3 This proposal incorporates the existing approval KET/2017/0980 for 8 pitches. This permission consists of 2 pitches reserved for named families and 6 pitches for un-named occupants. There is no indication in the proposal that the restriction on the occupants of the named pitches would carry forward under any new approval and whether these families still require these pitches or whether they are available for alternative residents. There is also no evidence nor governance mechanism to establish in the proposal that the occupants of the 6 un-named pitches qualify for a Traveller pitch under the 2015 definition. There is evidence that these pitches have been

advertised at different times to let on the open market nationally on both social media and with Estate Agents property websites.

We consider that these issues should be addressed before determining whether there is additional need to extend the site as it is not clearly evident that this site is responding specifically to a Kettering Borough identified GTAA established need nor that the pitches can be leased correctly ad infinitum to continue to supply to this established need.

2. Deliverability of the Site

2.1 The application is without scale or clear design and introduces new stretches of land:

- a) The most southern end of the site has been extended to the next field hedge boundary from the previously established location site boundary (as have been evaluated and considered at several stages for planning applications during the past 10 years)
- b) a new width of land running along the whole eastern length (field side) of the Old Willows site and which has been extended to run further along the full length of the overall Northampton Road site, all without proper dimension. The location map indicates that the total length of this additional strip is of consideration, however, it is impossible to ascertain exact boundaries of what is actually being considered and the ownership over all of the land is unclear.

There have been no updated Land Registry records indicating any sale of land, the fields continue to serve for agricultural use and the surface of the Old Northampton Road had been revealed during the excavations. It is therefore uncertain whether the proposed development will be deliverable. Without clear evidence that all of the land is available to and in the ownership of the applicant any proposed pitches could not be considered to form part of the LPA pitch supply.

It is also useful to remember that The Old Willows was formerly Plot 10, Old Northampton Road and the original planning permission KET/2011/0363 consisted of 3 pitches comprising 1 mobile home and 1 associated touring caravan and 2 static caravans, a day room, toilet building. In KET/2014/0695, the site was extended to 6 pitches of one caravan or mobile home only reduced from a requested 10 pitches as the Officer expressed concerns over the number of pitches proposed due to the cramped form of development. We are now presented with an application for 12 pitches accommodating 14 caravans (including no more than 12 static caravans/mobile homes), 12 vehicles and 12 Light Goods Vehicles without any purchase of land being evidenced.

3. Harm to the Environment

3.1 The proposed site encroaches further into open countryside and has been substantially extended in length. Outline groundworks have in large part already been completed and the visual harm is clearly evident.

3.2 The natural undulating contour of the land has been altered with a very substantial bund having been built to provide a level surface for what appears to be a new hardcore road running from the Northampton Road entrance through to the southern end of the site where the Old Willows is situated and now extended. Hundreds of tonnes of soil, hedgerow and established trees have been removed roadside and fieldside and either have been reused in the building of the bund or burned in the case of the hedgerow/trees.

3.3 A 1.8m fence has been erected on the field side and additionally, if we are considering the site as indicated in the red-line location plan, a second fence has been raised at the Northampton Road entrance to create a separate entrance to the Old Willows therefore running the whole length of the site. The effect of this development to-date is clearly visible and has become a massively dominant feature in the open landscape of fields as the whole of the Northampton Road site (including the Old Willows) will now be enclosed with hard fencing where previously there were hedgerows and fields which were natural features in the landscape.

3.4 The proposed boundary treatment on the Eastern boundary is unacceptable as it would present an extensive stretch of 1.8m solid fence which would be clearly visible from the Public Rights of Way GD3 and GW14 in addition to users of local country lanes and Northampton Road exit from Broughton together with residents living in Donaldson Avenue Broughton. Once again, if we are considering the red line Location Plan, The Entrance to the site has received similar dominating boundary treatment and has become a dominant feature in itself.

3.5 We are assuming that this new stretch of land and separate boundary treatment is a separate entrance that has been created to serve the Old Willows only however there is no actual explanation of this in the application presented. No specification has been provided on construction of the substantial new bund (that is already been built).

3.6 This proposal could not be regarded as acceptable without the restoration of the substantial length of mixed hedgerow and trees which have been removed from the Eastern boundary as part of the excavations which have already taken place. For a similar mixed hedgerow and trees of what had previously been in place to be reinstated, significant further incursion into land not in the applicant's ownership would be required.

We can demonstrate by maps that this hedgerow was a significant landscape feature and has represented boundary for centuries.

3.7 In view of the history and feature that this boundary represents, Broughton Parish Council expects this boundary to be restored to its former state in keeping with its rural setting and to its former position.

3.8 The Western boundary with the A43 is the subject of an Enforcement Notice issued by Northamptonshire County Council Highways as the unauthorised excavation of the embankment supporting the A43 and adjacent cycle path has caused acknowledged potential damage to the integrity of the Highway which requires remediation.

The difference in land elevation between the A43 and the site is considerable, in some areas being in excess of 3 metres and the hedgerow which previously formed a visual and protective barrier has been largely, and in some areas completely removed, requiring temporary fencing to be erected. This constitutes a hazard to the users of the cycle path in addition to the potential risk to the highway. What hedgerow remains has in large part been substantially harmed with roots having been extensively damaged and now exposed. The likelihood of this damage being terminal is high. The proposal as presented with this application to construct a 2m breezeblock wall which would not even be the height of a caravan would seem entirely inadequate to restore not just the damage which has been done but to provide appropriate protection to any future residents and a suitable barrier from the potential danger of vehicles exiting the A43 which is a red route.

3.9 Broughton Parish Council would expect the hedgerow along the A43 to be replanted to restore both the visual aspect and provide an adequate natural safety feature for the users of the cycle path.

3.10 In the interests of safety and if the application is approved, is it possible for the satisfactory completion of the enforcement notice be conditioned prior to occupation of the site with caravans/residents?

3.11 Also, so that there is no confusion at all, can it be conditioned and made clear which authority – Highways/KBC has to sign off the enforcement notice?

3.12 If the application is refused, can it be clarified if the enforcement notices will fall back to NCC/Highways to implement in full.

3.13 The Applicant has notified in the application form that NCC/Highways have supplied the specification for the retaining wall however at the time of writing this response, NCC correspondence indicates that NCC have not provided this specification for this retaining wall and associated remedial works to the A43 embankment. It is questionable whether the viability of the proposal can be determined without this information.

We regard the completion of this enforcement as a fundamental priority as combined with the substantial loss of the natural barrier of what had previously been fairly dense hedgerow and trees, the integrity of the highway and footpath is of paramount importance considering the massive usage that it has and the

potential danger to residents should vehicles/pedestrians/cyclists fall into the Old Willows site without appropriate safety barriers being in place. The undulating landscape meaning that this drop can range from a couple of feet at the very furthest southern end to approx. 14 feet (where the BT fibre optic cabling was severed)

4. Inadequate infrastructure and management

4.1 In the absence of any detailed information having been submitted with the application, Broughton Parish Council deems the Layout Plan entirely inadequate for evaluation and consideration. This proposal cannot be deemed acceptable without evidence of appropriate infrastructure and amenity to support the residents of the proposed site which would constitute a community of 12 families alongside the existing family plots.

4.2 NNJCS Policy 31 In this case we deem "local" to be the Gypsy & Traveller community in Broughton as a whole as this proposal refers to only one part of the entire site (The Old Willows and Old Northampton Road) which will constitute 21 families if it is approved which constitutes a substantial community. Furthermore, BPC expresses concern that this site has become a mixed use site of 9 family plots and 1 large commercial residential letting site.

5. Sanitary Amenity

5.1 The proposal contains no provision for separate washroom/laundry facility. We consider that this is insufficient amenity provision for the density of occupation in limited housing space. It must be taken into consideration that each caravan unit may not be limited to a single family but may have multiple individual occupancy implying that private bathing/washing may be compromised without separate amenity.

A washroom and dayroom facility was included in the original application for 3 caravans in 2011 but has since been sacrificed to accommodate caravans only. We do not consider this to be a desirable nor sustainable strategy to see a loss of amenity. New development proposals should always contribute to and not adversely affect existing development and we consider this to be a fundamental consideration in light of cultural and customary practice that is seen with G&T applications.

There have been multiple incidents of human defecation in the adjoining fields and various other locations which have been reported to the Environmental Health team and our concerns remain that there is insufficient amenity currently provided and no provision for additional facilities proposed here.

5.2 The application form states that surface water drainage would be via soakaway, however, there is no plan or any details provided for this. It is to be remembered that the old A43 sits below the surface and is an impermeable layer.

6. Household waste

6.1 The proposal offers no plan for the disposal of household waste. The previous approval KET/2017/0980 indicated that an area for the storage of household waste and recyclables would be provided but the block plan gave no indication of where this would be. There is no evidence that Condition 9 from KET/2017/0980 was discharged.

6.2 The application form for the proposed extension indicates that the plan does not incorporate any area for the storage of waste or recyclables. The current application incorporates the previously approved 8 pitches so Broughton Parish Council considers it unacceptable to provide no adequate means of disposing of household refuse for a community of 12 families implying up to 36 refuse bins for this element of the site alone.

7. Sewage Disposal

7.1 The proposal suggests in the Application Form that there will be a Packaged Treatment Plant but the Layout Plan does not include the location of the equipment or the outflow to a suitable exit from the site. It is unclear whether the proposed equipment will serve only the new 4 caravans or the previously consented 2 static caravans or the entire 12 caravans.

7.2 There appears to be no evidence that the Condition 7 from KET/2014/0695 (6 caravans) and Condition 11 from KET/2017/0980 (total 8 caravans) have been discharged.

7.3 This proposal cannot be deemed acceptable without a plan to provide adequate foul water and sewage disposal. We refer to policy NNJCS policy 31:

8. Vehicle parking

8.1 The proposed Layout Plan does not give any indication of the capacity for parking the required number of vehicles i.e. each pitch to have 1 car plus 1 LGV for the entire site of 12 pitches.

We refer to the Committee Report KET/2017/0980 Northamptonshire Highways In response to both the initial proposal and revised proposals, no objections raised subject to conditions to include one parking space (2.5mx 5m) per mobile home;

8.2 The proposed Layout plan seems to suggest that the 4 proposed new pitches and the 2 previously consented under KET/2017/0980 will be smaller than those consented under KET/2014/0695 which were already considered to be smaller than other pitches in the Borough. This suggests that parking for 1 car plus 1 LGV per pitch would create a very cramped design and would represent a degradation of existing amenity and a significant visual degradation in the open countryside.

We refer to the Committee Report KET/2014/0695. The proposed pitch sizes range from 210 to 225 square metres. This is significantly smaller when compared to those directly north of the site.

8.3 The potentially cramped design could constitute a fire safety risk to proposed occupants. Parking vehicles in close proximity to the caravans leaving little or no gap between vehicles and accommodation may mean that fire could jump easily between the vehicles and caravans, all of which contain fire accelerants.

8.4 In the event of any serious fire there is the potential for occupants on the site becoming trapped between high fences and embankments with no escape route.

8.5 It is not clear that emergency vehicles would have sufficient access to the full extent of the site in view of the linear, narrow design, density and lack of clarity of definition of the site layout. We refer to Policy 8 NNJCS.

BPC is expressing concern at the lack of process, regulation and governance at this site. Any visit by any authority now requires police presence. It is a definite no-go area for any resident in Broughton, however, it is an eminently visible site for the settled community and all A43 road users to be able to be aware that due process is not being perceived to be respected which is enormously frustrating and generating considerable friction within the community. There appears to be little appetite to regulate and bring about a correctly managed site that can be implemented and equally upheld in a transparent way (un-implemented enforcement notice from 2012, abject non-compliance with site licence from 2012, unimplemented conditions of various planning decisions, development without authorisation and retrospective applications). We fear that the planning process is at risk of being undermined as the perception of conditions being put in place but are then proven to be unenforceable becomes pointless.

The site is becoming of a scale larger than anything elsewhere and looks much larger because of its linear design (500m in length). This is taking it to a new platform that KBC don't yet know if they want to achieve as policy.

KBC is shortly to bring its G&T Strategy to completion and, with the pressure of deliverability of need currently curtailed, we are therefore questioning with the deepest intent whether this is the time to permanently create something of such a large scale, complex composition with no way of knowing whether it will actually deliver to a GTAA need, before KBC implements this new Strategy.

The massive harm that this scale represents to our local countryside is permanent and will be lost.

For these reasons of no justifiable need, harm to the environment, lack of adequate infrastructure and lack of adequate amenity as represented above, Broughton Parish Council objects to this application.

Third Party Objections

8 third party objections to the application highlighting the following matters:

- The excessive number of plots is no longer sustainable
- Sits in open countryside
- History of antisocial behaviour from the pitches there
- Unauthorised works adjacent to the A43 have left the footpath with a precarious drop
- Increased traffic
- Does not respect surrounding landscape and planting removed
- There is online evidence that existing pitches are being offered for rent on a commercial basis, on the existing site
- Breaches of conditions on existing permission – these should be resolved before any further permission
- Close proximity of caravans to each other is unsafe
- No wash blocks for residents
- Burning of materials on the site

5 Planning Policy

National Planning Policy

Planning Policy for Traveller Sites (PPTS)

Applications should be determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and this Planning Policy for Traveller Sites published in August 2015.

Local Planning Authorities (LPAs) should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections

However, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

LPAs should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. They should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.

When considering applications, LPAs should attach weight to the following matters:

- a) Effective use of previously developed, untidy or derelict land
- b) Sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

If an LPA cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent decision when considering applications for the grant of temporary planning permission. There is no presumption that a temporary grant of permission should be granted permanently.

Ministerial Statement 2015

This ministerial statement announced intentional unauthorised development is a material consideration that would be weighed in the determination of planning applications and appeals. This applies to all new planning applications and appeals received since 31 August 2015.

National Planning Policy Framework

8. Promoting healthy and safe communities

Decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

9. Promoting sustainable transport

It should be ensured that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; any significant impacts on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Development should only be refused or prevented 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.

12. Achieving well-designed places

Planning decisions should ensure that developments: function well and add to the quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including landscape setting, establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible which promote health and well-being and

where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.

15. Conserving and enhancing the natural environment

Planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1 – Sustainable Development

Policy 3 – Landscape Character

Policy 4 – Ecology

Policy 8 – North Northamptonshire Place Shaping Principles

Policy 19 – The Delivery of Green Infrastructure

Policy 31 – Gypsies and Travellers and Travelling Showpeople

- (a) The site is closely linked to an existing settlement with an adequate range of services and facilities
- (b) The site, or the cumulative impact of the site, in combination with existing or planned sites, will not have an unacceptable impact on local infrastructure
- (c) The site provides a suitable level of residential amenity for the proposed residents
- (d) The site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal
- (e) There is satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles
- (f) The health and well-being of occupants is not put at risk including through unsafe access to the site, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land
- (g) The size and number of pitches does not dominate the nearest settled community
- (h) The proposed development does not have a significant adverse impact on the character of the landscape and takes account of the Landscape Character Assessment of the area. Appropriate landscaping and treatment to boundaries shall be provided to mitigate impact.

Broughton Neighbourhood Plan

Saved Policies in the Local Plan for Kettering Borough

7. Protection of the open countryside

RA5. Housing in the open countryside

Emerging Policies (Local Development Framework)

Part 2 Local Plan – The Submission Plan has been through the public inquiry and the Inspectors comments on modifications are awaited. Limited weight can be afforded to these emerging policies.

6 Financial/Resource Implications

It is considered likely that the applicant would submit an appeal against any refusal of planning permission.

7 Climate Change Implications

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

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

8 Planning Considerations

The key issues for consideration in this application are: -

1. Principle of Development
2. JCS Policy 31 criteria, including landscape impact
3. Five year supply of sites
4. Ecology
5. Intentional unauthorised development, including those to the bank adjacent to the A43
6. Personal circumstances, Human Rights and Best interests of the child
7. Planning Balance

1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy 31 of the North Northamptonshire Joint Core Strategy (JCS) refers specifically to sites for gypsies and travellers (and travelling show people). Saved Policy 7 of the Local Plan for Kettering refers to development in the open countryside. Policy 31 sets out a list of criteria, all of which should be satisfied in the consideration of a planning application.

Saved Policy 7 provides protection for the open countryside and does not set out a blanket ban on all such development if it is provided for elsewhere in the plan. Policy RA5 (which is also saved) states that planning permission will not normally be granted for residential development in the open countryside. However, exceptions may include Gypsy and Traveller sites. RA5 refers to Policy 119 in relation to Gypsy sites but is it not a saved policy and no longer valid.

The principle of allowing new sites for gypsy and traveller site development is acceptable subject to each development meeting the criteria set out in JCS Policy 31. Section 2 below sets out the officer's assessment of the proposed site against these criteria.

The PPTS is a material planning consideration. Paragraph 25 of the PPTS states that Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. The site is not allocated, and it is clear that the term "very strictly limit" means that considerable weight should be given to limiting such development which is away from existing settlements or outside areas allocated in the Development Plan.

In this case the west side of Old Northampton Road has been subject to a series of permissions over the years for gypsy and traveller plots. Broughton is a short distance to the north east and as a result it is not considered, having regard to the overall number of plots in this location, that there can be an in-principle objection to an increase in 4 plots in this location.

A further "in principle" issue is whether the applicants meet the definition of a Gypsy or Traveller as set out in Annex 1: Glossary of the Planning Policy for Traveller Sites. This is set out as;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such"

In this case there is limited evidence before officers to suggest that the applicant or site occupants WILL meet the above definition. The agent states:

“The applicant, Mr Felix Doran, and prospective site residents are Irish travellers and, have been travelling extensively in order to make their living. I am personally aware of Felix and his extended family travelling for work in the Hampshire area, as well as, more recently, in the East Midlands. They have been searching for a settled base for several years and, moving to Old Northampton Road will allow the extended family to put children into school and, register with doctors.”

This assertion by the agent contrasts strongly with the findings of ORS when they recently conducted interviews in the locality as part of the Council’s Gypsy and Travellers Needs Assessment. On their visit to the application site there were 12 caravans and following interviews it was determined that all but one of the occupiers did not satisfy the planning definition of gypsies and travellers and were in fact being rented by East Europeans.

This evidence is supported by the objection of Broughton Parish Council where they refer to pitches being advertised at different times to let on the open market and Officers own research which has found some of these advertisements.

On this basis Officers are not convinced that there is a need for these additional pitches, based upon the evidence provided by the agent in support of the application.

Policy 31 of the JCS would only permit this development in the open countryside if it meets all the criteria of that policy. Paragraph 25 of the PPTS states that such development should be very strictly limited. So, in assessing both these approaches (Development Plan and PPTS policy) it is considered that the acceptability or otherwise of development will come down to whether the proposals conform with policy and the weight of all the material considerations taken together in the planning balance.

2. JCS Policy 31 Criteria, including landscape impact

Policy 31 states that applications for gypsy and traveller sites should satisfy all of the criteria listed in this policy.

Before dealing with the individual criteria of JCS Policy 31 it is material that officers have concluded that they are not satisfied that the application is for a gypsy and traveller site. As a starting point it is therefore questionable if JCS Policy 31 is applicable at all.

a) The site is closely linked to an existing settlement with an adequate range of services and facilities.

As described earlier, the settlement of Broughton is less than 1km from the site which has a primary school, shops, post office facilities, public house and hot food takeaways. The village of Mawsley has doctors, dentist, café, nursery and a primary school which is 3.2km from the site. The town of Kettering is approximately 3.5km away and has a range of services and facilities commensurate with that of a large town.

The conclusion is that this is a sustainable location for the proposals. This conclusion is consistent with previous applications.

b) The site, or the cumulative impact of the site, in combination with existing or planned sites, will not have an unacceptable impact on local infrastructure

There is not considered to be a cumulative impact when considering other existing sites in this locality. The increase in 4 pitches considering the overall number of pitches in this location would not suddenly lead to the sites as a whole having an unacceptable impact on local infrastructure.

c) The site provides a suitable level of residential amenity for the proposed residents

There are no current nationally set standards for pitch sizes following the revocation of the 2008 Designing Gypsy and Traveller Sites – A Good Practice Guide. However, as an example, the pitch sizes at the Council's Laurels Site vary between 250 square metres to 350 square metres. Elsewhere, where Councils have adopted such guidance, a single pitch can vary from 300 to 500 square metres to take into account sufficient fire separation.

In this case, as with previous applications, the first 6 pitches measure between 225sq m and 285 sq m and this is considered an acceptable size to accommodate a static caravan home, touring caravan and, if required, a utility building as well as parking.

The now withdrawn Government advice on Designing Gypsy Sites advocates a minimum of 6m between caravans. This is just achieved for the remaining 6 caravans shown on the submitted block plan but is otherwise constrained, since the site tapers to the south the applicant has had to remove the eastern boundary hedgerow/tree belt as well as excavate into the bank adjacent to the A43, as well as lay the whole site to hardstanding. The same advice also indicates that each plot should be individually demarcated. This is not proposed. It is also considered that parking should be adjacent to each caravan and that there should be room for a utility/amenity building. No such building is proposed and there does not appear to be any room for any future provision for either individual or communal utility/amenity buildings.

The first unit beyond the historic 6 pitches is just 3m from the boundary with the pitch to the north and if a caravan were to be sited on the southern edge of that plot then this first caravan would be too close and thus give rise to a fire danger.

All of the caravans are shown to be within 2 to 2.5m of the A43 boundary and yet details of the retaining wall are not known. If it has to have a wider base for structural reasons then this small gap will diminish further. In addition, the landscape advice is that the excavated areas need to be reinstated in order to ensure the long-term survival of the boundary planting. As it currently stands the landscape advice is that the planting along the A43 boundary will soon fail

as the embankment has been cut in too deep. This would open up the site to clear views from the A43 and would give rise to an unacceptable visual impact and result in there being no planting to provide a buffer to the caravans sited close to this boundary from users of the A43.

Moreover, the narrowness of this part of the site has resulted in the access drive to the southern units being within the area formally occupied by the boundary hedgerow. The landscape advice is that the removal of the hedgerow has given rise to significant concerns regarding the negative impact the proposed development will have on the landscape character, green infrastructure and visual amenity of the site.

As stated earlier, the 2017 permission is for 8 statics and 2 tourers, so this application is for an additional 4 static caravans. However, the submitted block plan only shows the 6 historic pitches and then the siting of 6 static caravans, but does not show how 2 touring caravans would fit on the site. Given the concerns Officers have about the narrowness of the site, the removal of the boundary landscaping and the tightness of the turning area there would appear to be no room for the two touring caravans.

Consideration has been given as to what is stated in the PPTS about sites being well planted or soft landscaped in such a way as to positively enhance the environment and increase its openness; promote opportunities for healthy lifestyle such as ensuring adequate landscaping and play areas for children and not enclose a site with so much hard landscaping, high walls or fences that the impression may be given that the site occupants are deliberately isolated from the rest of the community.

Taking these factors together Officers are not satisfied that the proposed layout of the southern part of the site would provide a satisfactory level of amenity for the proposed occupiers.

d) The site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal

The existing site has mains water and electric and foul is treated through two septic tanks. There is no evidence to indicate that there is insufficient provision.

e) There is satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles

A turn on site facility is shown but no tracking has been provided to demonstrate that this is sufficient to enable a bin lorry or emergency vehicle to utilise. The overall depth of this area, including the access is just 14m – to the extended site boundary. The length of a standard bin lorry is 8-9m. The generally accepted minimum distance to enable a bin lorry to turn is 4.5m so it is questionable, on this proposed layout, as to whether a bin lorry could turn on the site. Bearing in mind the length of the road it is considered important to have a turn on site facility for service and emergency vehicles. Given the need to increase the pitch sizes and provide greater separation it is considered that

a proper turning head to serve this development is unachievable with the current configuration.

f) The health and well-being of occupants is not put at risk including through unsafe access to the site, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land

The road to the site is of a reasonable width and there are no safety concerns at its junction.

Environmental Health have not raised any concerns with regard to the proximity of the caravans to the A43 in respect of noise or pollution.

The site is within Flood Zone 1 and therefore flood risk is not considered to be an issue.

Due to lack of information regarding the proposed retaining wall there is uncertainty as to whether this will present a risk of collapse and endanger future residents.

g) The size and number of pitches does not dominate the nearest settled community

The NPPF and PPTS 2015 provides some guidance in respect of cumulative impact. The Government's aim is to reduce tension between the settled and travelling communities and in order to achieve this PPTS 2015 requires that when assessing the suitability of sites in rural or semi-rural settings, an LPA should ensure that the scale of development does not dominate the nearest settled community.

The population of Broughton was 2,208 at the 2011 Census. There are a number of facilities in the village including a primary school, convenience shop, public house, take-away, village hall and recreation ground. Other facilities such as a doctor's surgery and dentist are available at Mawsley, located approximately 2 km west of the site. Another gypsy and traveller site abuts the application site to the north, this provides 13 pitches.

Taking into account the population size of Broughton it is considered that the additional 4 pitches would not result in the proposed development dominating the nearest settled population.

h) The proposed development does not have a significant adverse impact on the character of the landscape and takes account of the Landscape Character Assessment of the area. Appropriate landscaping and treatment to boundaries shall be provided to mitigate impact.

The application is not submitted with any information to demonstrate that the applicant had considered the landscape impact of the development.

The site was formally located within the most sheltered part of the parcel of land between the old and new A43 and took advantage of natural topography and vegetation screening to minimise its landscape influence.

It is accepted that the site is located within the most sheltered part of the land on the west side of Old Northampton Road, however, it is the removal of the hedgerow that has opened up the site to views from Top Road (A43 to Pytchley Crossroads) to the southeast.

During the site visit, by both the case officer and the landscape consultee, it was clear that the existing vegetation on the south eastern edge of the application site had been removed and replaced with a compacted stone surface treatment and a timber post and rail fence. Further north along the south western edge of Old Northampton Road (outside the site boundary), vegetation has been retained in places, with intermittent gaps with fly-tipping and spoil mounds present. Hedgerows are important elements of any landscape, not only providing important wildlife corridors and drainage opportunities, but also filtering views and shaping the landscape. If the hedgerow were still present, these would have been strongly representative of the local landscape character, screening the more disruptive elements of what is noticeably a rural open landscape.

There is also concern regarding the encroachment into the A43 embankment and the proposed retaining wall. Although the wall would be necessary to avoid soil slippage and movement, the existing embankment has already been cut into, revealing tree and shrub root systems. Because of this, there is a concern that the vegetation on this embankment will soon fail as the embankment has been cut in too deep. If the planting fails, this will leave a significant area of the vegetation screening bare, exposing the site and the residential structures and related assets.

In terms of visual amenity, the locally undulating topography and the strong local field boundaries are such that the visual envelope of the site is restricted to views from the public highway (Broughton Road) and a Public Rights of Way footpath (GW14). The site and its infrastructure will be clearly visible from these receptors and it is anticipated that they will have an incongruous appearance in this rural landscape, especially given the lack of existing and/or proposed screening. It's acknowledged that some of the existing structures along Old Northampton road are also visible, however, this is only in areas where the existing vegetation isn't present.

Since the proposed development on the site has been found to be very tight with little space around the proposed static caravans and no apparent room for the 2no touring caravans it is concluded that there is little, if indeed, no chance of providing a satisfactory landscape belt along the east boundary and at the same time facilitating the scale of development proposed. Moreover, the need to ensure the long-term retention of the screening along the A43 boundary would necessitate the reinstatement of the bank that has been removed, further reducing the amount of space left within the site. Accordingly, the issues are more fundamental than just imposing a landscape condition. To result in a landscape scheme which would be acceptable on landscape terms it is

considered that there would need to be a fundamental change in the scale of the development along with the siting of the proposed units. For these reasons a condition is not appropriate and therefore unacceptable landscape harm is therefore considered to arise.

3. Five Year Supply of Sites

Paragraph 27 of the PPTS states;

“If a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of a temporary planning permission”

This has been held not to be the same as the presumption in favour of sustainable development as set out in the case of NPPF (Swale Borough Council and Secretary of State for HCLG) and Mr S Maughan and Others 2018 EWHC 3402 Admin. This judgement sets out that two features of paragraph 27 are of particular relevance, namely;

- The existence of a shortfall (in supply) is in itself a *“significant material consideration.”* This excludes a characterisation of the shortfall, so although there is still a balance to be struck it is not the same as the tilted balance to be applied through paragraph 14 of the NPPF. The balance mechanism under the PPTS remains the same throughout and paragraph 27 gives indication to the weight of the factor in the balance (i.e. significant).
- The second feature of paragraph 27 is that it is expressed to go to a decision on temporary planning permission. The footnote to paragraph 27 provides *“there is no presumption that a temporary grant of permission should be granted permanently.”* The intention is that the response to a shortfall in the required five-year supply of deliverable sites may, in an appropriate case, be the granting of planning permission for a temporary period during which, the LPA will make efforts to address the shortfall and meet its obligations under paragraph 10 (of the PPTS) to ensure a five-year supply of deliverable sites.

In accordance with the NPPF and the PPTS, Local Planning Authorities are required to make their own assessments on the need for gypsy/traveller sites in their area and to ensure that there is a supply of deliverable sites to meet locally set targets. For sites to be considered as ‘deliverable’, these should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years.

The adopted Joint Core Strategy identified a need for 13 pitches for the period 2011-22. These figures were identified in the 2011 Northamptonshire GTAA. A new GTAA was completed for North Northamptonshire that was published in 2019. This covered the period 2018-33 and superseded the outcomes of the previous GTAA with a new baseline date of July 2018.

The latest GTAA of March 2019 reflects the new PPTS definition and provides an identified need up to 2033 of 23 pitches. The current period to be assessed in terms of 5-year supply is between 2020/21 and 2024/25. The Council needs to deliver 15 pitches over this 5-year period and based on sites that have been granted planning permission, that have not yet been delivered, there is a 5-year supply of 18 pitches for this period. This is sufficient to meet all of the 5-year need identified in the 2019 GTAA, as well as some of the future need beyond 5-years.

Furthermore, if pitches on developed sites that have been granted planning permission but are not currently occupied by Travellers are taken into consideration, including those on the application site, there is a 5-year supply of 39 pitches.

A planning application for a new site of 10 pitches at land off Stoke Albany Road in Desborough was approved in July 2009 (KET/2009/0155). In the Committee Report for planning applications at Desborough Road, Stoke Albany KET/2019/0245 & 0445 [that is the subject of current appeals], the Council took a cautious approach to the inclusion of this site in the 5-year land supply and excluded the site due to concerns at that time about the deliverability of the pitches. However, since this time the position has changed. Whilst this site is not yet operational, conditions have been discharged by the current landowner and the development has commenced. Accordingly, the permission remains live.

The Council is currently in the process of negotiating to purchase the site from the current owner in order to bring this site forward to meet identified need. The Council, on 15th June 2020, wrote to the agent representing the landowner in June 2020 setting out that authority will be sought at a meeting of its Executive to commence with the necessary statutory processes required to make a Purchase Order (CPO) if they do not agree terms to sell the land by 15th August 2020. This authority was provided at the Council's Executive meeting of 15th September 2020, negotiations continue in respect of purchasing the land while the CPO progresses.

The 10 pitches at land off Stoke Albany Road in Desborough must be considered deliverable when looking at the 5 year supply of pitches. This is because PPTS footnote 4 makes clear that to be considered deliverable: *“sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”*

The overall accommodation needs for Gypsies, Travellers and Travelling Showpeople in Kettering that has been identified in the GTAA is accurate and robust, and in line with national policy and guidance.

There is no need for additional pitches to come forward at this stage. Moreover, as set out in Section 8.1, there is clear evidence arising from ORS interviews

that all but one of the previous 10 static caravans on this site were occupied by persons who did not meet the definition of a gypsy or traveller.

There is permission for 8 static caravans and 2 touring caravans on this site. There is no evidence to demonstrate that the applicant and his family cannot be accommodated within the parameters of the existing permission. Accordingly, it is concluded that there is no need for the additional pitches.

4. Ecology

The NPPF states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity. Paragraph 99 of Circular 06/05 states that: it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise, section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity. JCS Policy 4 sets out that existing biodiversity assets will be protected and ecological networks enhanced. The approach is supported by the NPPF.

The application is not accompanied by any ecological information.

The approach of the Council in dealing with gypsy sites in this location has been to ensure that all boundary hedgerows and trees are retained, care should be taken not to damage the eastern verge of the adjacent section of the A43 which provides a screen to users of the strategic road network of the gypsy sites.

The Landscape consultee also considered ecology. They note that the site is situated within a Local Green Infrastructure (GI) Corridor; Sywell Reservoir – Broughton. Local GI corridors cover a variety of land uses and provide opportunities for projects and investment at a local scale that benefits at a community level. Natural England encourages the integration of green infrastructure at the outset of development so that the greatest benefits will be gained. Therefore, it would be expected that development located within the GI network will be expected to contribute towards its enhancement. However, currently the proposed scheme results in a loss of GI, causing habitat fragmentation and biodiversity net loss, which is contrary to Policy 4.

5. Intentional unauthorised development, including those to the bank adjacent to the A43

It is Government policy that intentional unauthorised development is a material consideration that would be weighed in the determination of planning applications and appeals. The ministerial statement announcing this policy stated that it applies to all new planning applications and appeals received since 31 August 2015.

The intentional unauthorised development of the site is a material consideration that should be weighed in the determination of this planning application. The written ministerial statement announcing this policy expressed concern that where the development of land has been undertaken in advance of obtaining planning permission there is no opportunity to appropriately limit or mitigate the harm that may have been caused.

It is the opinion of officers that the removal of the eastern hedgerow; the cutting into the embankment to the A43 on the west side and the laying of the whole site down to hardsurfacing were all acts of intentional unauthorised development, all of which were aimed at increasing the size of the site in order to try and accommodate the number of additional pitches proposed.

These works have resulted in clear landscape and ecological harm which is contrary to policy.

The Highway Authority are also concerned that the works to the A43 embankment have, or will undermine the structural stability of this part of the A43.

This intentional unauthorised development and the subsequent retrospective planning application must weigh against planning permission being granted.

6. Personal Circumstances, Human Rights and the Best Interests of the Child

Public Sector Equality Duty

Under the Equality Act 2010 people who have “protected characteristics” are protected under the Act. This includes race. A gypsy or traveller who does not meet the definition of a traveller under the PPTS is still of protected status if an ethnic gypsy or traveller. Public Authorities in undertaking their functions have to have due regard to the need to;

- Eliminate unlawful discrimination
- Advance equality of opportunity between those people who share a protected characteristic and those who don't
- Foster or encourage good relations between those people who share a protected characteristic and those who don't

Human Rights Act 1998 (derived from EU Convention on Human Rights)

Article 8 – Right to respect for family and private life, home and correspondence. This is a qualified right and does not automatically override other legislation or considerations.

Article 14 – that the rights and freedoms set out in the Convention are secured without discrimination.

UN Convention on the Rights of the Child

Article 3 – best interests of the child. In all actions concerning children (including those taken by administrative authorities) the best interests of the child shall be a primary consideration.

Summary:

Little in the way of personal circumstances have been provided and there are no details on health or the education needs of children.

Even if there were substantial personal circumstances they are unlikely to be considered to outweigh the planning harm set out in this report. It is considered that any inference with human rights is proportionate.

7. Planning Balance

Balancing the limited information on personal circumstances and the needs of the child, against the fact there is robust evidence for a 5 year supply of sites; existing pitches appearing to be occupied by non-travellers; the cramped nature of the site and the extensive use of hardstanding giving rise to an unacceptable living environment; the loss of the eastern hedgerow/tree belt opening up the site to views and creating an undesirable precedent in respect of the possible loss of the remainder of that hedgerow; the damage caused by the cutting into the embankment which could lead to the loss of all the landscaping along this boundary; the harm to ecological interests arising from the removal of the eastern hedgerow and likely future loss of the western hedgerow; concerns with regard to the structural stability of this part of the A43; along with the fact that this was intentional unauthorised development leads Officers to the clear conclusion that planning permission should be refused.

Conclusion

The material considerations supporting the proposal do not outweigh the material objections against the proposal and the fact that the proposal is contrary to the adopted Development Plan.

The application is therefore recommended for refusal for the reasons set out in this report

Background Papers

Title of Document:

Date:

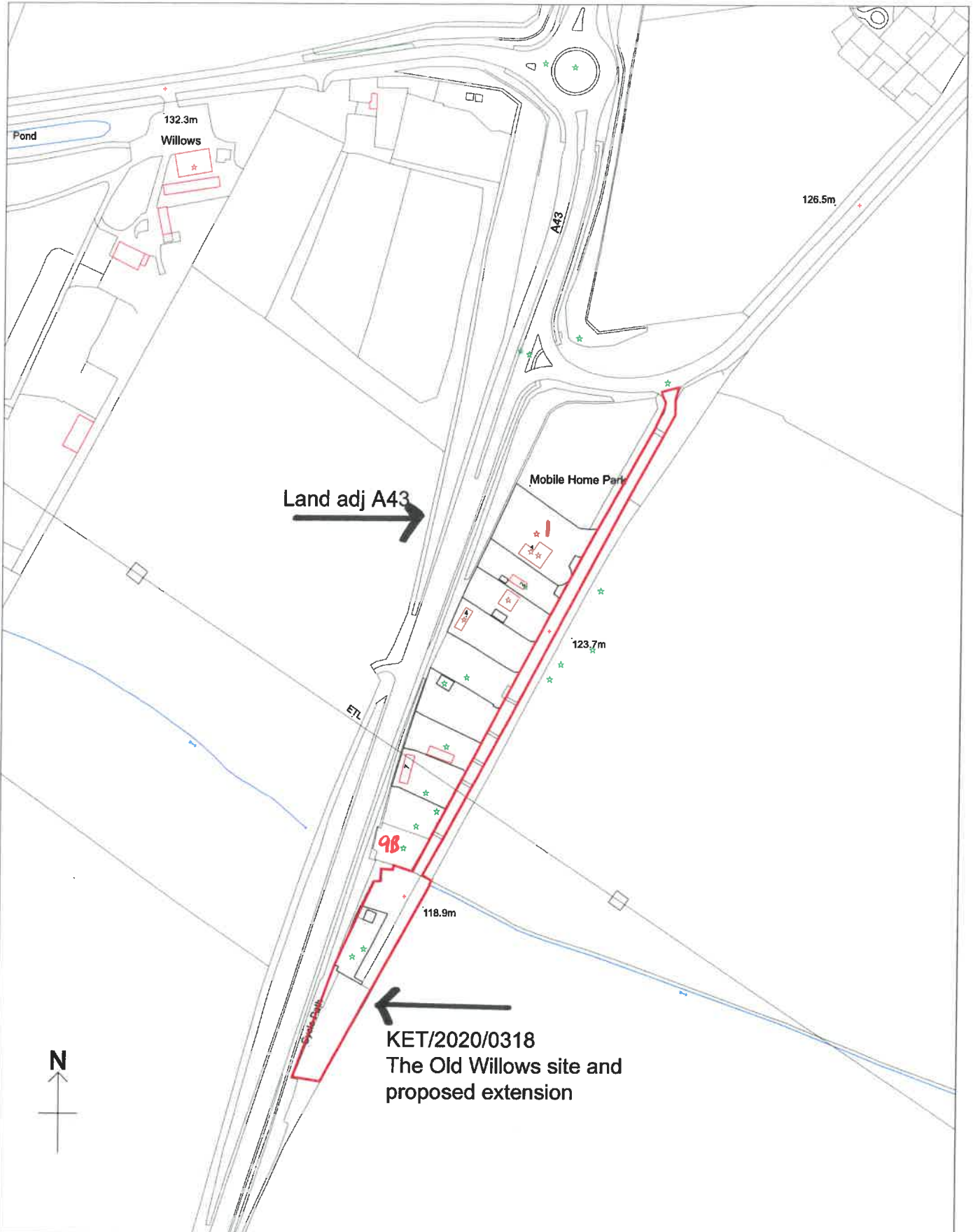
Contact Officer:

James Wilson, Interim Head Of Development Services on 01536 534316

Previous Reports/Minutes

Ref:

Date:



Title: The Old Willows application

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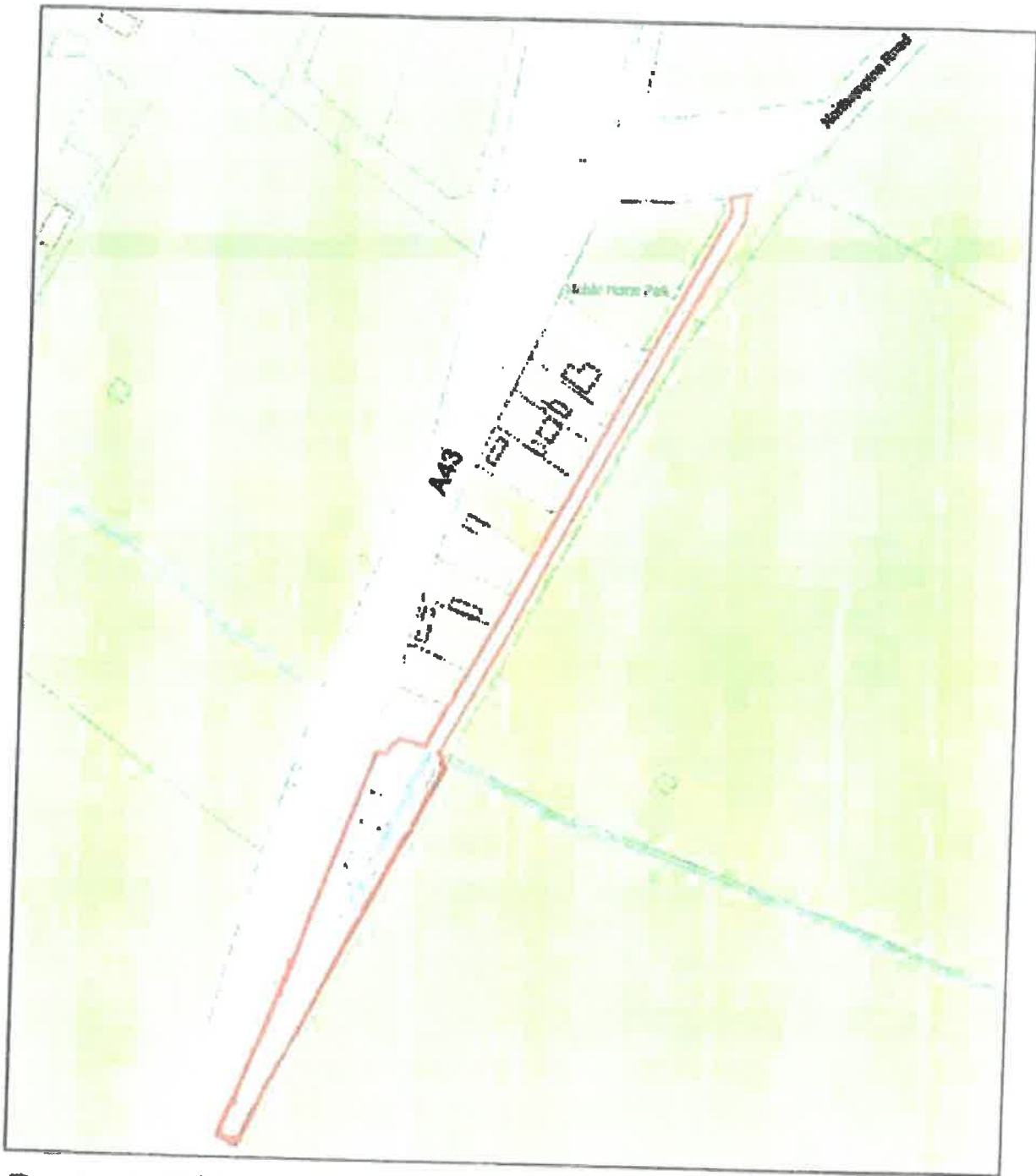
Kettering
Borough Council

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Location Plan

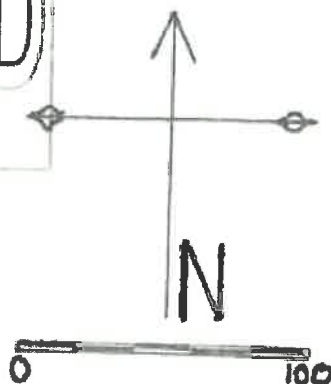


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Drawing no.: PBA1

Old Willows Site
Old Northampton Road
Broughton
Kettering
NN14 1SD

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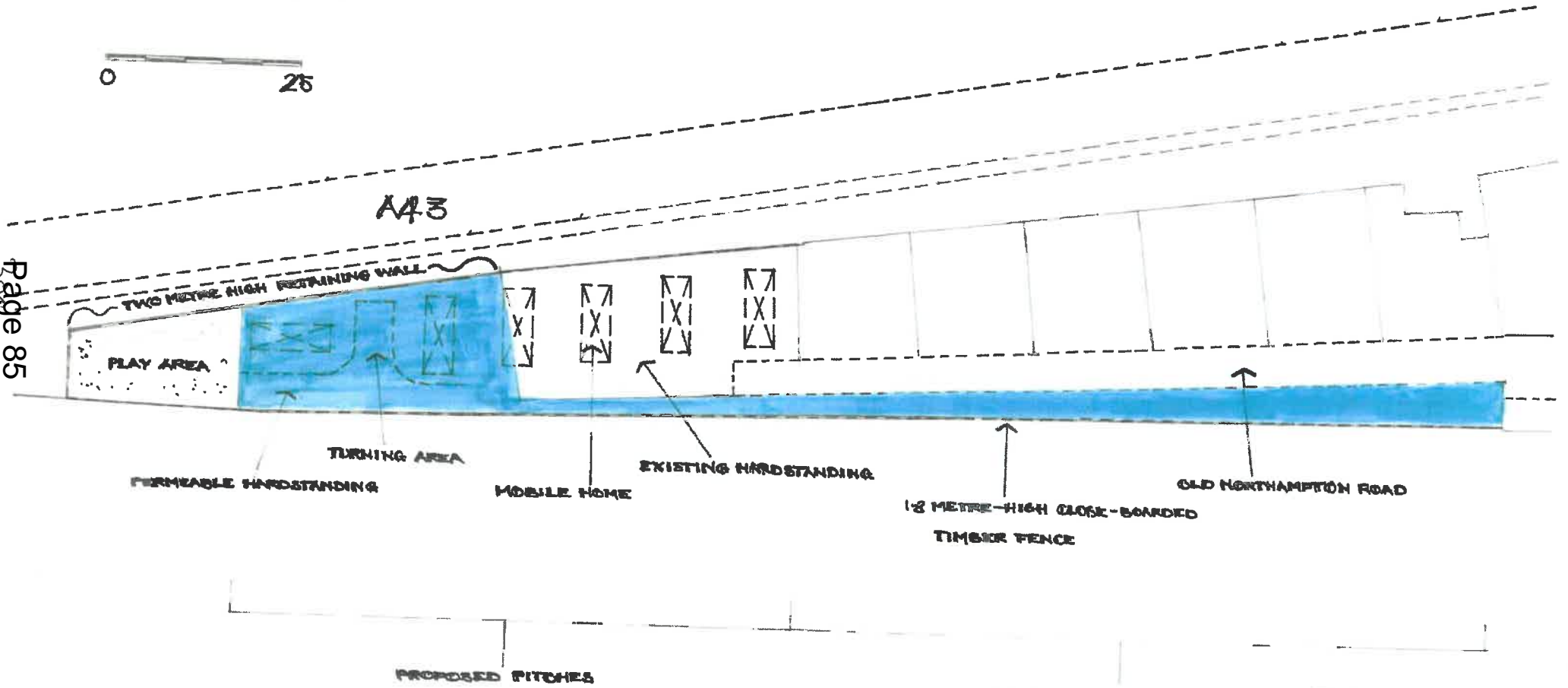


SITE LAYOUT PLAN

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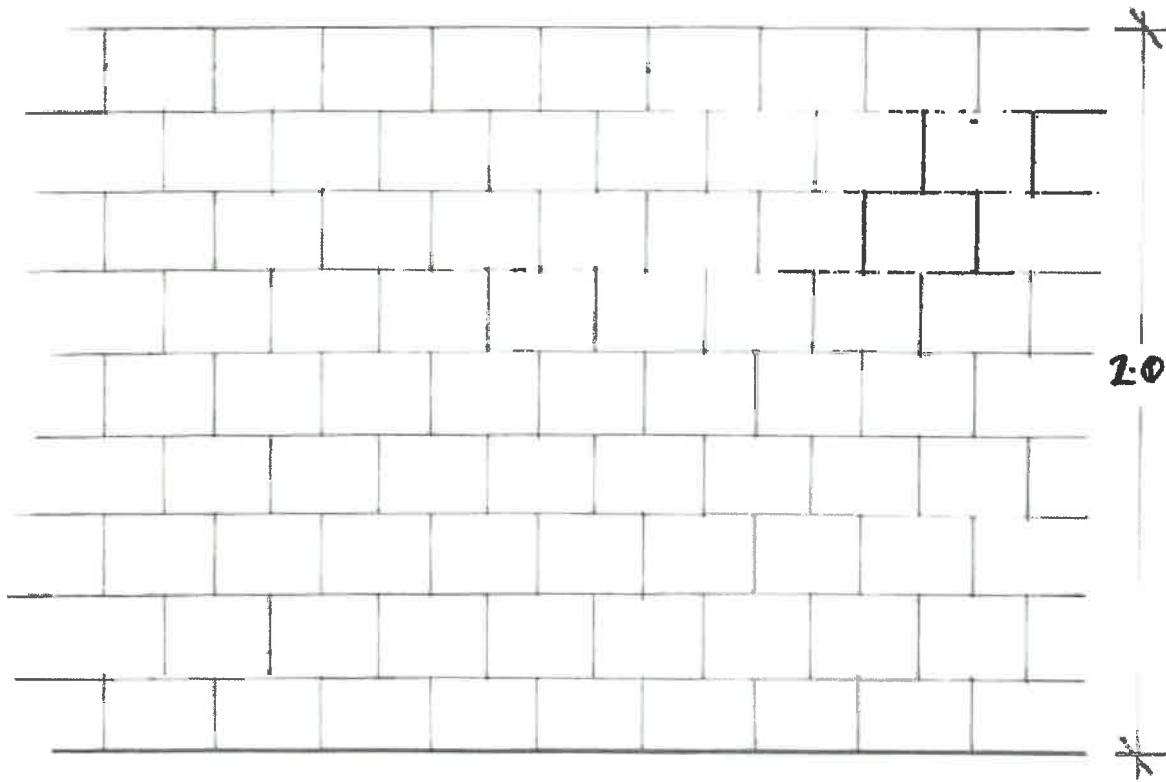


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RETAINING WALL



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2.0 METRES

BREEZE-BLOCK WALL
BUILT TO DETAILED
SPECIFICATION TO BE
AGREED WITH NORTHANTS
COUNTY COUNCIL HIGHWAYS

SCALE 1:20

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.2
Report Originator	Louisa Johnson Development Officer	Application No: KET/2020/0659
Wards Affected	Burton Latimer	
Location	17 Kettering Road, Burton Latimer	
Proposal	Full Application: New access with alteration to land levels.	
Applicant	Mr P Chamberlain	

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 access shall be constructed in accordance with the approved details and shall be retained as such thereafter.

REASON: To provide satisfactory access in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. 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 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.

5. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

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

Officers Report for KET/2020/0659

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

3.0 Information

Relevant Planning History

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KET/2015/0224 - Single storey front extension and replacement of windows – Approved 24/04/2015

KET/2019/0160 - Barn conversion and single storey extension to south east elevation to create 1 no. dwelling – Approved 18/06/2019

KET/2019/0803 - Barn conversion with single storey extension, detached garage and new access for no.17 from Spring Gardens – Withdrawn 17/02/2020

KET/2020/0173 - Variation of conditions 2 and 4 of KET/2019/0160 in respect of approved drawings to incorporate some amendments to the glazing – Approved 04/06/2020

Site Visit

Officer's site inspection was carried out on 03/05/2019 and 11/06/2019

Site Description

The site consists of 17 Kettering Road a detached former farmhouse dwelling which backs onto Spring Gardens, the property is currently accessed via Kettering Road.

To the south of the main house is a L-shaped range of stone former farm buildings over single and two storeys, which have permission to be converted into a dwellinghouse.

Proposed Development

The application seeks full planning permission for the creation of a new access at the rear of 17 Kettering Road onto Spring Gardens and the creation of three parking spaces to the rear of 17 Kettering Road adjacent to the access. The proposal involves digging out the area to the rear of no. 17 for parking and to create a gradient for the access due to a difference in levels between the site and Spring Gardens. It is this operational development to alter the land levels that requires permission.

Any Constraints Affecting the Site

Within Conservation Area

4.0 Consultation and Customer Impact

Highways: No objection

The Highways Authority does not object to the proposals with respect to its design as shown in Proposed Access (01-19-03 C). As the proposed access fronts onto a shared private drive that is also not subject to adoption/S38 agreement, it can only be advised that visibility splays are detailed and these cannot be required. Owing to the proximity of the proposed access to the existing access of the neighbouring property and the concept of 'seeing and being seen' the HA advise they are considered. The agent has advised the LHA that the proposed access would not result in a breach of the maximum of 5 dwellings permissible to be served off a shared private (this is defined by the access to the car parking for a maximum of 5 dwellings).

Neighbours:

Twelve letters of objection have been received and the following issues were raised:

- The vehicle tracking shows vehicles reversing into the drive, this is not safe and will not be possible for larger vehicles;
- The width of the access is not specified but title deeds restrict it to 3m, owners of 11 Spring Gardens will not agree to it being wider if this impinges on land owned by 11 Spring Gardens and they are part owners of the road;
- Are trees allowed to be removed in the conservation area;
- The access appears to be too steep and narrow;
- Overflow parking on Spring Gardens is not possible as the applicant has no right to park on Spring Gardens;
- Due to the narrow width of Spring Gardens itself there is no space for turning, therefore vehicles may have to reverse all the way down Spring Gardens;
- 17 Kettering Road may have right of way over Spring Gardens, although this is still to be proven and there is an ongoing dispute regarding this. There is no right to park on Spring Gardens.
- A traffic management plan should be provided;
- According to the proposed access plan the 'existing sleeper retaining wall is to be exposed and a supplementary structure added'. If the trees along the boundary are to remain (as per the access plan) how is the existing structure going to be accessed with the trees in situ. Permission will not be granted to undertake this work from Spring Gardens private drive.

- The rear garden of 17 Kettering Road is being excavated apparently very close to the building to lower it to road level. Is there evidence that the foundations will still be robust and not cause the structure to become dangerous;
- Right of Way to the barn property is for access and maintenance only. All building work must therefore be undertaken from 17 Kettering Road and not from Spring Gardens. Access to the driveway at no.11 is required at all times.
- The plans show a linear drain but not where this drains into. If this drains into Spring Gardens then this could cause flooding and dangerous ice down the gradient in winter.
- There are already 5 properties entering and exiting onto the access road to the main part of Spring Gardens.
- We purchased the house under title deeds that allowed access for four houses, and agreement of an annual Management fee for the gates and road - access rights and maintenance costs would need to be confirmed and agreed prior to the applicant being granted access. The residents will seek legal advice should this not be the case.
- The proposal would result in a drastic reduction to the security of the residents of the gated part of Spring Gardens. The proposal would enable direct access to Spring Gardens from Kettering Road, thus, at least theoretically negating the benefit of the current 'gated' situation.

Officer's Comment:

It is noted that concerns have been raised regarding whether the applicant has a right of way over Spring Gardens and reference has been made to management fees for the gates and road. The applicant has provided title deeds that appear to show right of way over land forming the access and has served the requisite notice on the owners of the land. Therefore this is not a planning matter and this and any management fees regarding the gates and road falls to be a civil matter to be resolved between the relevant parties.

5.0 Planning Policy

National Planning Policy Framework (NPPF) 2019:

- 2. Achieving sustainable development
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Section 66 and 72 - Planning (Listed Buildings and Conservation Areas) Act 1990

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

1. Presumption in favour of sustainable development
2. Historic environment
4. Biodiversity
5. Water environment
6. Development on brownfield land
8. Place shaping
11. The network of urban and rural areas

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

Burton Latimer Town Boundary Inset

35. Housing: Within Towns

Other Documents

Burton Latimer Conservation Area Appraisal (November 2009)

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
4. Highway safety, access and parking

1. Principle of Development

The application seeks creation of a new access and parking spaces.

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.

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

2. Impact on the character and appearance of the area

The site is located on Kettering Road and the proposed access would be onto Spring Gardens a cul-de-sac to the rear of the site, in a predominately residential area.

The Burton Latimer Conservation Area boundary runs along the rear boundary of 17 Kettering Road and Spring Gardens does not fall within the Conservation Area.

The proposed access would be to the rear of the main building at 17 Kettering Road and would be screened from Kettering Road by the building and would not be visible from the public realm within the conservation area.

The proposed access would be visible from Spring Gardens, however it is considered that it would appear no different than accesses to other properties on Spring Gardens.

Overall the proposal will have an acceptable impact on the character and appearance of the area subject to the above conditions and accords with the relevant parts of Policy 12 (NPPF) and Policies 2 and 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 rear to side boundary with 11 and 15 Spring Gardens and the proposed access would cross land at the end of the cul-de-sac between these two properties.

Given the proximity of the proposed access to both no.s 11 and 15 it is considered that it would be appropriate to attach a condition controlling the hours of construction to ensure that the proposal does not have a detrimental impact on these neighbouring properties.

Comments have been received regarding the structural integrity of the retaining wall between the site and no.s 11 and 15 Spring Gardens and the foundations of no. 17.

The applicant has advised that they will engage a structural engineer and an informative will be attached advising the applicant that they should engage with Building Control and comply with building regulations as required. Subject to a hours of working condition, it is considered that the proposal would not have unacceptable impact on the amenity of neighbouring residents through this proposal in accordance with policy 8 of the NNJCS.

4. Highway safety, access and parking

Policy 8 (b) of the JCS seeks to ensure that development has a satisfactory means of access and resist development that prejudices highway safety.

The proposal is to create an access onto Spring Gardens a private drive currently serving four dwellings and provide three parking spaces.

The Highways Authority has confirmed that the proposed access including its 3m width and the gradient of the access are acceptable and meet the required standard. The proposal would result in five dwellings being served by the private drive which complies with the limit set by the Highways Authority. The proposed parking spaces are considered to be acceptable.

The Highways Authority has recommended that visibility splays are considered and due to the proximity of the proposed access to the existing access of the neighbouring property and the concept of 'seeing and being seen'. However, as the access is onto a private drive and not an adopted road these cannot be required, the applicant has been asked to consider providing visibility splays but has advised that they do not wish to provide visibility splays.

A number of objections have been received regarding the proposals, the Highways Authority has confirmed that the width and gradient of the access is acceptable. Other objections raised are as follows:

That the vehicle tracking shows vehicles reversing into the drive - this is not the case as the vehicle tracking does not specify which way vehicles are driving and it appears that vehicles could drive either in forward or reverse gear.

Overflow parking on Spring Gardens is not possible as the applicant has no right to park on Spring Gardens – the applicant has not given any indication that they intend to park on Spring Gardens.

Due to the narrow width of Spring Gardens itself there is no space for turning, therefore vehicles may have to reverse all the way down Spring Gardens – the applicant's vehicles should be able to enter their own land to turn. The number of additional delivery vehicles etc serving one property are unlikely to increase so significantly so as to result in a detrimental impact on neighbouring properties.

That a traffic management plan should be provided - it is considered that it would be unduly onerous to require a traffic management plan for one dwelling.

It is considered subject to conditions requiring the access and parking spaces to be constructed in accordance with the approved plans, the proposal would be acceptable in terms of highway safety and parking in accordance with policy 8 of the NNJCS.

Conclusion

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

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.2
Report Originator	Louisa Johnson Development Officer	Application No: KET/2020/0659
Wards Affected	Burton Latimer	
Location	17 Kettering Road, Burton Latimer	
Proposal	Full Application: New access with alteration to land levels.	
Applicant	Mr P Chamberlain	

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 access shall be constructed in accordance with the approved details and shall be retained as such thereafter.

REASON: To provide satisfactory access in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. 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 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.

5. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

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Officers Report for KET/2020/0659

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

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Conclusion

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



Title: 17 Kettering Road, Burton Latimer

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100017647

Kettering
Borough Council

Date: 04:02:21

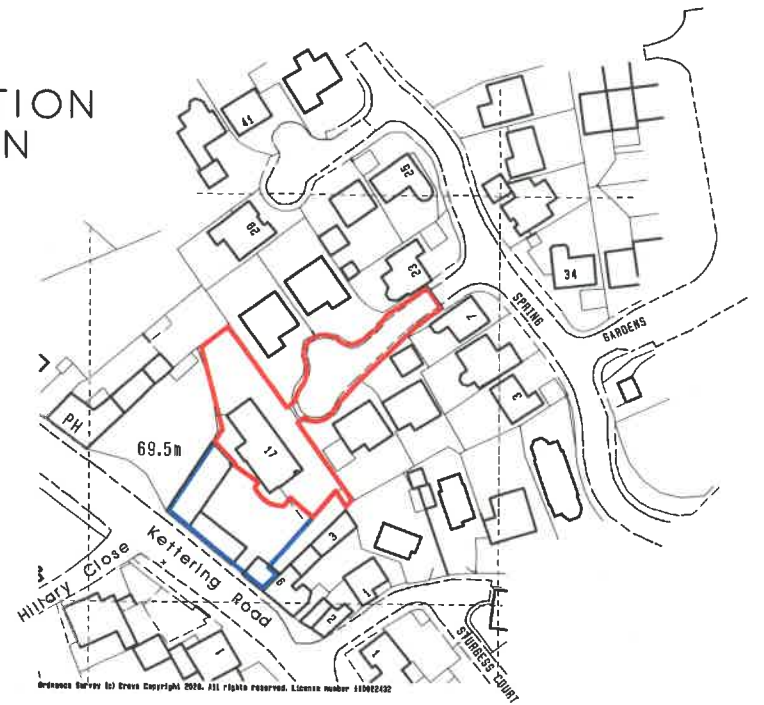
Scale: 1:1250

Drawn by: Drawn by:

BLOCK PLAN



LOCATION PLAN



Revisions:

Title: **Proposed entrance:
Mr P.Chamberlain at:
17 Kettering Road, Burton Latimer**

LOCATION AND BLOCK PLANS

Drg. No. **01-19-00** Scale: **1:500/1250**

Drawn: **TJP** Date: **Jan. 2019**



7 The Knoll
Grendon
Northampton
Northamptonshire
NN7 1JG

T: 01933 666 300
toby.pateman@btconnect.com

No. 17 Kettering Road

dotted line indicates existing level

existing fence
existing retaining wall

SECTION C-C

No. 17 Kettering Road

Ex=70.91
PROP=70.91

Ex=70.90
PROP=70.30

Ex=70.86
PROP=70.86

1:15 ramp

1:15 ramp

SECTION D-D

existing Leylandii hedging to be retained

hatched area indicates extent of 1:15 ramp

Ex=70.86
PROP=70.53

existing fence above to be retained

PRIVATE DRIVE TO SPRING GARDENS

+ 69.83

tarmac finish

Ex=70.90
PROP=70.30

existing Leylandii hedging to be removed

Ex=70.90
PROP=70.30

existing sleeper retaining wall to be exposed and supplementary structure added in response to amended loadings

hatched area indicates extent of 1:15 ramp

existing fence above to be retained

Levels in boxes represent level changes
Levels not in boxes relate to existing

Ex=70.91
PROP=70.91

tarmac finish

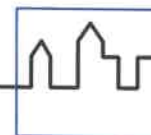
Revisions:
B: 25/11/20 Topographical survey overlaid, general amendments.
C: 18/12/25 Cars shown single file, linear drain annotated.

Title: **Proposed entrance:
Mr P.Chamberlain at:
17 Kettering Road, Burton Latimer**

ACCESS DETAILS

Dr. No. 01-19-03 C Scale: 1:100

Drawn: TJP Date: Jan. 2019

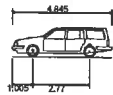
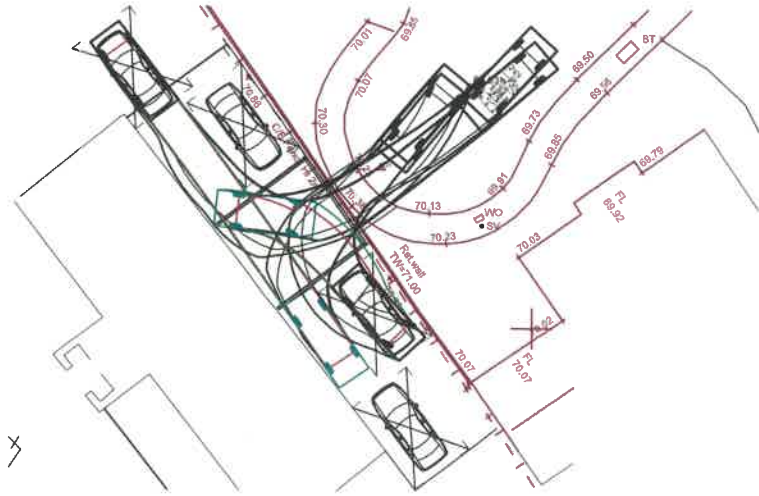
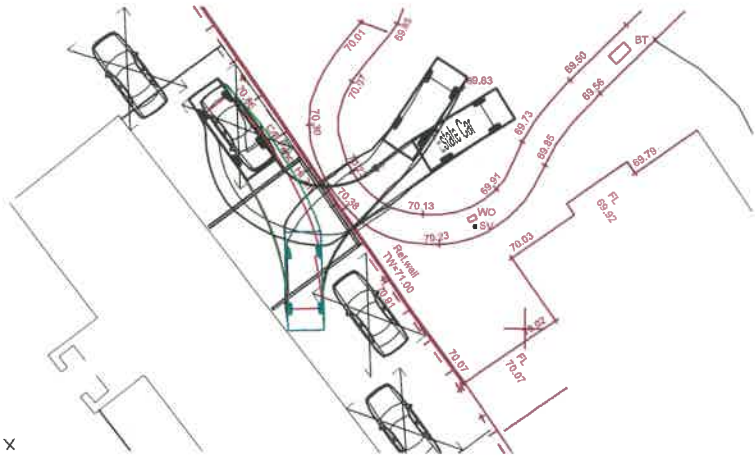
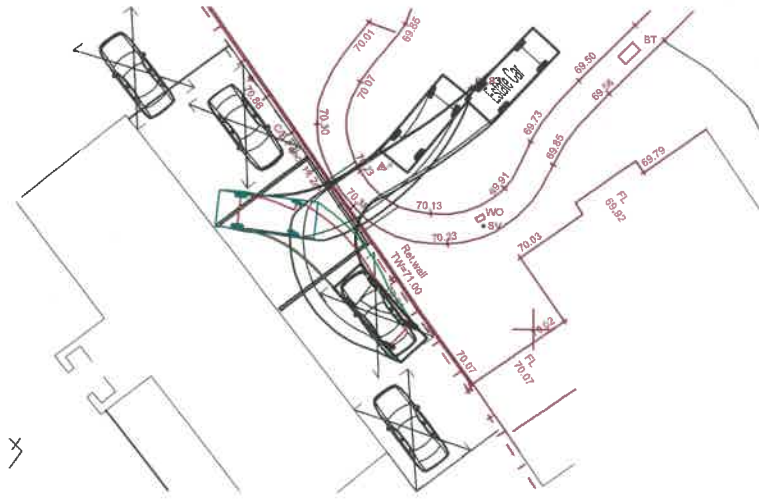
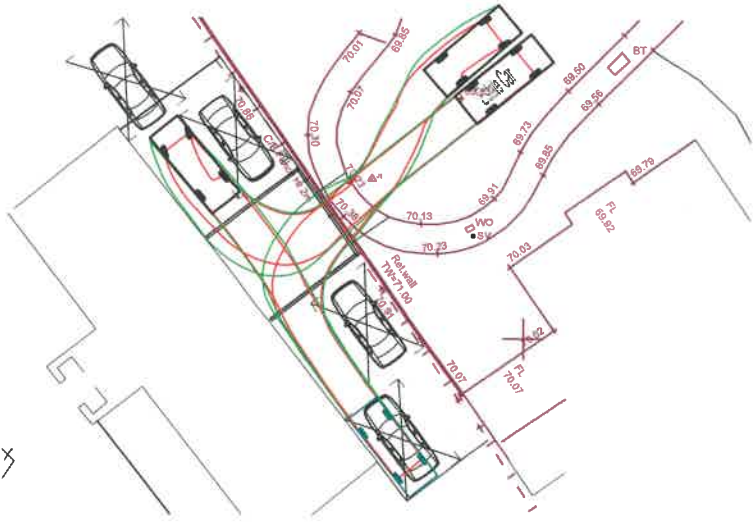


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Page 109
40C



Estate Car
 Overall Length 4.945m
 Overall Width 1.750m
 Overall Body Height 1.424m
 Min Body Ground Clearance 0.189m
 Max Track Width 1.655m
 Lock to lock time 4.00s
 Kerb to Kerb Turning Radius 4.950m

Notes:
 1. Based on Toby Pateman Architects Ltd, drawing number 01-19-03-A dated 09/09/20.



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 Martin Andrews Consulting Ltd

- Transport Assessments
- Flood Risk Assessments
- Highway Advice
- Access Design
- Drainage Strategies
- Vehicle tracking

Client: Peter Chamberlain	Project: 17 Kettering Road Burton Latimer	
Title: Vehicle Tracking - Car Parking - January 2021	Date: 12/01/21	Drw: MJA
Drawing No: 414-02	Revision:	Chk: MJA
		Scale: 1:200
		Size: A3

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.3
Report Originator	Carol Grant Senior Development Officer	Application No: KET/2020/0746
Wards Affected	Brambleside	
Location	7 Forest Glade, Kettering	
Proposal	Full Application: Change of use from dwelling (C3a) to children's care home (C2)	
Applicant	Mr Tony Cox, Esland Care	

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.

Location Plan

House Plans

Un-numbered but received by the local Planning Authority on 26 October 2020

Parking Plan received by the Local Planning authority on 02 February 2021

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 parking spaces so provided within the garage and front garden area as shown on the Parking Plan, received by the Local Planning Authority on 2 February 2021 shall not be obstructed and shall thereafter permanently remain available for car parking.

REASON: To ensure that adequate off-street parking are available to accord with Policy 8 of the North Northants Joint Core Strategy.

4. No more than three residents (not including carers) shall live at the property at any one time.

REASON: To protect the amenities of neighbouring residential properties in accordance with Policy 8 of the North Northants Joint Core Strategy.

Officers Report for KET/2020/0715

The application is reported for Committee decision because there have been 61 objections and has also been called-in by Councillor Davies on the grounds that the proposal will impact on neighbouring residential amenity, impact on the highways network and is over-development.

3.0 Information

Relevant Planning History

There is no relevant planning history attached to this site

Site Description

The site relates to a large detached property situated on the north-west junction of Sovereigns Court and Forest Glade within a primarily residential area at the very northern edge of the town, approximately 1.5 miles from the town centre. Aside from the Brambleside Primary School which is located approximately 100 metres to the south of the site, the surrounding area is entirely residential in character.

Adjacent to the property to the north is an area of woodland with a footpath which interconnects to other roads and footways throughout the estate and connects to the wider countryside to the north across the nearby A6183. Overall the character of the immediate area is peaceful and tranquil.

The property has 5 bedrooms, two of which have en-suites. The property also benefits from a double garage with ample on-site parking provision on a private driveway.

Proposed Development

The application seeks planning permission for a change of use from a dwelling to residential care home for up to 3 children aged between 8-18 years olds with complex care needs. Staffing ratio would be between 3 /4 carers during the day with 2 members of staff at night. There are no external alterations proposed to the property.

Although the service provider is not relevant in that the planning permission will run with the land and not the end user, in this case, the following information has been submitted to enable Members a deeper understanding of the type of care that is to be provided.

The prospective occupiers, Esland Care, provide residential care for children with complex needs. The company currently provide residential care at other properties across the Midlands and elsewhere in the UK.

The applicant's agent has made the following statement in support of their proposal:

“The applicants very successfully operate over 40 children's homes throughout the UK and have received no complaints from residents or the Care Quality Commission about how these homes are being run.

The applicant provides a one-stop solution for the sector's most complex and challenging children who often suffer from autism or the effects of abuse. They adopt a three-stage process that underpins every child's placement to provide stability, develop resilience and facilitate the transition through a range of services to provide local authorities with a long-term plan to meet the individual needs of each child to enable them to become a valued member of society as they become adults.

All the children have a long period of assessment before being placed in a home to safeguard the children and the residents and are accompanied at all times 24/7 to ensure their safety and build up their confidence. These are not children with drug abuse issues and the applicant would work closely with the police to avoid any issues.”

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Highway Authority - No objections but make the following comments:

The Application Form details 5 full-time equivalent staff. If the existing 5 bedrooms are to remain then 6 car parking spaces are required (5 staff + 1 visitor). The Application Form details 6 car parking spaces are existing however they are not detailed on an accurate and scaled plan.

1 cycle space is required. Cycle parking should be covered, secure, overlooked and easy to use with a minimum 1.2m clear access including gate widths. No lifting of cycles should be required.

Northamptonshire Police – requested additional information and have no comments to make on the application in its proposed form.

Neighbours

There have been 61 letters received from third parties with the following concerns;

- Unsuitable location for a children's care home
- Near a primary school
- Drug dealing problems on the Estate
- Not suitable for a multiple use property
- County lines territory
- Concerned about anti-social behaviour
- Near a busy road
- Insufficient parking

A planning consultant has also been engaged by several residential occupiers of Sovereign Court and Forest Glade and raises queries in regard to:

- crime
- highway safety
- amenity and;
- lack of detail within the planning application.

Councillor Davies has also called-in the application to be heard by the Planning Committee on the following planning grounds:

- impact on neighbouring residential amenity
- impact on the highways network
- over-development.

5.0 Planning Policy

National Planning Policy Framework

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1- Sustainable Development

Policy 8 –Place shaping principles

Policy 28 - Housing requirements

Policy 29 – Distribution of new homes

Policy 30 – Housing mix and tenure

Saved Policies in the Local Plan for Kettering Borough

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.

Other legislation

The Equalities Act (2010) Section 149 created the public sector equality duty which requires public authorities to have due regard where there are equality implications arising from a proposal in the determination of the application.

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. Design and impact upon the character of the area
3. Impact upon neighbouring residential amenity
4. Impact upon highway safety
5. Equality Implications
6. Comments raised by other points raised by the proposal

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.

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 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 site is located inside the settlement of Kettering. The settlement boundary 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.

Policies 28-30 of the North Northants Joint Core Strategy (NNJCS) allow for the creation of sustainable, inclusive and mixed communities delivering housing for the different groups within the communities.

The Town & Country Planning (Use Classes) (amendment) (England) Order 2017 defines Class C3 dwelling houses as:

- a) *by a single person or by people living together as a family; or*
- b) *by not more than 6 residents living together as a single household (including a household where care is provided by residents).*

Children's homes run by workers on a shift pattern do not fall into either class a or b and therefore the dwelling house is not considered to be a C3 dwellinghouse.

Class C2 defines Residential institutions as:

the provision of residential accommodation and care to people in need of care, use as a hospital or nursing home, residential school, college or training centre.

In this instance, the proposal falls under Class C2 as its use is a residential care home.

The provision of residential care homes are by their very nature a residential use which, in this residential area within the settlement boundary, is an appropriate and acceptable use of this dwelling.

In this case, the proposed development would help towards meeting a specialised housing need within Kettering Borough. The proposed use of the property remains residential in nature and therefore there is no conflict with local or national planning policy in this regard.

2. Design and impact upon the character of the area

Policy 8 of the NNJCS requires all new development proposals to be high quality in design and respect and enhance the character of its surroundings through form, scale, design and materials.

The change of use of the building from a single dwelling house to a care home for up to 3 children between the ages of 8 and 18 years old will have no material

impact on the surrounding area by way of its external appearance as no external alterations are proposed. The proposed use remains as a residential use and in this instance the proposal complies with Policy 8 of the NNJCS and is acceptable

3. Impact upon neighbouring residential amenity

Policy 8 of the NNJCS 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 property is a sizeable detached family dwelling with a large garden. The premises would be occupied in its existing form with no extensions proposed with the ground floor rooms remaining in use as living accommodation for the residents and staff and sleeping accommodation upstairs. The property is bounded by only one other property on its northern boundary and it is not considered that the proposed use would cause any additional loss of privacy or overlooking to the neighbouring properties than which already exists. Potential noise from the use of the garden by residents would equate to a similar use by a single family with 3 children and it is not considered that this would be so excessive that it would cause harm to neighbouring amenity.

There have been concerns raised as to anti-social behaviour, potential crime and an existing drug problem within the vicinity which some existing residents feel would be exacerbated by the existence of a children's home within the local area. It is not entirely clear as to whether these concerns are raised for the safeguarding of the future occupiers or that there is speculation that the future occupiers of the property are likely to exacerbate the problem.

Speculation and / or allegation that the proposed use may (or may not) cause harm through increased anti-social behaviour, crime and / or drug abuse is not sufficient reason for refusing the application as no proven evidence either way has been submitted. Although the concerns of local residents are acknowledged, the day to day management of the children within the home is an issue that is not influenced via the planning system. The applicants have submitted sufficient information on the day to day management of their care homes along with their Policies and Processes on managing the care of the children in their network. As aforementioned elsewhere within this report, it is stressed that any subsequent planning permission will run with the land and not the end user and it is not a given that Esland Care would be the only provider of care in the future at this address.

It is therefore considered that there would be no material harm caused as a result of overlooking, loss of privacy, noise or disturbance to the residential amenity of the adjacent neighbouring properties. In regard to concerns from other residents regarding anti-social behaviour/ potential crime/drug abuse this is purely speculative with no evidence that the proposal would lead to such behaviour. Anti-social activity off the premises, as in all cases, is a police matter and is not a material planning consideration of this application.

In regard to impact on residential amenity, the proposal is considered acceptable under Policy 8 of the NNJCS.

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.”

Photographs have been submitted by third parties indicating that the surrounding roads are used for additional parking including the area in front of the dwelling. As the site is close to a school it is highly likely that the side roads are used for parking at drop off and pick up times by parents whose children attend the school. At the time of the site visit there was only one car parked within the street close to the property.

The property benefits from a double garage with off-street parking provision to the front of the garages within the driveway. Although the application states that there are 6 existing spaces, the amount of parking required would likely be less with 3-4 members of staff during the day, even if all arrived by private vehicle this would only equate to 4 spaces required. The actual residents themselves would not themselves require additional parking spaces. Cycle storage could be provided within the existing garage. Furthermore, the front hardstanding area could be extended through permitted development should the need arise for additional on-site parking provision. It is considered prudent to add a condition requiring the garage and parking provision to remain for the parking of vehicles associated with the use to prevent potential parking issues in the future.

In this regard, the proposal is considered acceptable under Policy 8 of the NNJCS and Section 9, paragraphs 108-109 of the NPPF.

5. Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:- (1) A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality implications arising from this application relate to the protected characteristics of vulnerable children and their on-going residential needs that need to be appropriately accommodated.

In this regard, the recommendation to approve has been addressed in the assessment of the application in regard to, and in line with both local and national planning policies.

The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

6. Comments on other points raised by proposal

The following comments have not been addressed elsewhere in the report.

The comments that the property is to be run as a House in Multiple Occupation (HMO) are unfounded. The proposal is not for a HMO use but as a residential care home.

The comments received regarding the fact that the property is near a busy road have no bearing on the proposal.

The comments received that as the property is near a school the proposal is unsuitable have no bearing on the proposal.

The proposal is not an over-development of the site – the existing dwelling has 4 bedrooms and the proposal would be no different to a large family of a similar number of family members residing at the property.

The comments raised relating to the insufficient information provided with the application have been noted. However it is considered that sufficient information has been provided in relation to the proposed use and number of residents in order for the LPA to make a decision on the application. As discussed elsewhere the management of the way the care home is run is heavily regulated under other legislation and is not a planning consideration.

Conclusion

The application property is a large detached property in a residential location which is a suitable for the use proposed. The issues raised by those objecting to the application have been carefully considered, but it is concluded that there are no sound planning reasons to refuse permission on. It is therefore recommended that the application be approved. The proposal complies with Policies 1, 8, 28,29 and 30 of the North Northants Joint Core Strategy, Saved Policy 35 of the Kettering Borough Local Plan and the relevant sections within the National Planning Policy Framework.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Carol Grant, Senior Development Officer on 01536 534316

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.3
Report Originator	Carol Grant Senior Development Officer	Application No: KET/2020/0746
Wards Affected	Brambleside	
Location	7 Forest Glade, Kettering	
Proposal	Full Application: Change of use from dwelling (C3a) to children's care home (C2)	
Applicant	Mr Tony Cox, Esland Care	

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.

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Officers Report for KET/2020/0715

The application is reported for Committee decision because there have been 61 objections and has also been called-in by Councillor Davies on the grounds that the proposal will impact on neighbouring residential amenity, impact on the highways network and is over-development.

3.0 Information

Relevant Planning History

There is no relevant planning history attached to this site

Site Description

The site relates to a large detached property situated on the north-west junction of Sovereigns Court and Forest Glade within a primarily residential area at the very northern edge of the town, approximately 1.5 miles from the town centre. Aside from the Brambleside Primary School which is located approximately 100 metres to the south of the site, the surrounding area is entirely residential in character.

Adjacent to the property to the north is an area of woodland with a footpath which interconnects to other roads and footways throughout the estate and connects to the wider countryside to the north across the nearby A6183. Overall the character of the immediate area is peaceful and tranquil.

The property has 5 bedrooms, two of which have en-suites. The property also benefits from a double garage with ample on-site parking provision on a private driveway.

Proposed Development

The application seeks planning permission for a change of use from a dwelling to residential care home for up to 3 children aged between 8-18 years olds with complex care needs. Staffing ratio would be between 3 /4 carers during the day with 2 members of staff at night. There are no external alterations proposed to the property.

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Any Constraints Affecting the Site

None

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Highway Authority - No objections but make the following comments:

The Application Form details 5 full-time equivalent staff. If the existing 5 bedrooms are to remain then 6 car parking spaces are required (5 staff + 1 visitor). The Application Form details 6 car parking spaces are existing however they are not detailed on an accurate and scaled plan.

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There have been 61 letters received from third parties with the following concerns;

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5.0 Planning Policy

National Planning Policy Framework

Section 2 – Achieving sustainable development

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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
3. Impact upon neighbouring residential amenity
4. Impact upon highway safety
5. Equality Implications
6. Comments raised by other points raised by the proposal

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The site is located inside the settlement of Kettering. The settlement boundary 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.

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the provision of residential accommodation and care to people in need of care, use as a hospital or nursing home, residential school, college or training centre.

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In this case, the proposed development would help towards meeting a specialised housing need within Kettering Borough. The proposed use of the property remains residential in nature and therefore there is no conflict with local or national planning policy in this regard.

2. Design and impact upon the character of the area

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The change of use of the building from a single dwelling house to a care home for up to 3 children between the ages of 8 and 18 years old will have no material

impact on the surrounding area by way of its external appearance as no external alterations are proposed. The proposed use remains as a residential use and in this instance the proposal complies with Policy 8 of the NNJCS and is acceptable

3. Impact upon neighbouring residential amenity

Policy 8 of the NNJCS 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.

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There have been concerns raised as to anti-social behaviour, potential crime and an existing drug problem within the vicinity which some existing residents feel would be exacerbated by the existence of a children's home within the local area. It is not entirely clear as to whether these concerns are raised for the safeguarding of the future occupiers or that there is speculation that the future occupiers of the property are likely to exacerbate the problem.

Speculation and / or allegation that the proposed use may (or may not) cause harm through increased anti-social behaviour, crime and / or drug abuse is not sufficient reason for refusing the application as no proven evidence either way has been submitted. Although the concerns of local residents are acknowledged, the day to day management of the children within the home is an issue that is not influenced via the planning system. The applicants have submitted sufficient information on the day to day management of their care homes along with their Policies and Processes on managing the care of the children in their network. As aforementioned elsewhere within this report, it is stressed that any subsequent planning permission will run with the land and not the end user and it is not a given that Esland Care would be the only provider of care in the future at this address.

It is therefore considered that there would be no material harm caused as a result of overlooking, loss of privacy, noise or disturbance to the residential amenity of the adjacent neighbouring properties. In regard to concerns from other residents regarding anti-social behaviour/ potential crime/drug abuse this is purely speculative with no evidence that the proposal would lead to such behaviour. Anti-social activity off the premises, as in all cases, is a police matter and is not a material planning consideration of this application.

In regard to impact on residential amenity, the proposal is considered acceptable under Policy 8 of the NNJCS.

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.”

Photographs have been submitted by third parties indicating that the surrounding roads are used for additional parking including the area in front of the dwelling. As the site is close to a school it is highly likely that the side roads are used for parking at drop off and pick up times by parents whose children attend the school. At the time of the site visit there was only one car parked within the street close to the property.

The property benefits from a double garage with off-street parking provision to the front of the garages within the driveway. Although the application states that there are 6 existing spaces, the amount of parking required would likely be less with 3-4 members of staff during the day, even if all arrived by private vehicle this would only equate to 4 spaces required. The actual residents themselves would not themselves require additional parking spaces. Cycle storage could be provided within the existing garage. Furthermore, the front hardstanding area could be extended through permitted development should the need arise for additional on-site parking provision. It is considered prudent to add a condition requiring the garage and parking provision to remain for the parking of vehicles associated with the use to prevent potential parking issues in the future.

In this regard, the proposal is considered acceptable under Policy 8 of the NNJCS and Section 9, paragraphs 108-109 of the NPPF.

5. Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:- (1) A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality implications arising from this application relate to the protected characteristics of vulnerable children and their on-going residential needs that need to be appropriately accommodated.

In this regard, the recommendation to approve has been addressed in the assessment of the application in regard to, and in line with both local and national planning policies.

The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

6. Comments on other points raised by proposal

The following comments have not been addressed elsewhere in the report.

The comments that the property is to be run as a House in Multiple Occupation (HMO) are unfounded. The proposal is not for a HMO use but as a residential care home.

The comments received regarding the fact that the property is near a busy road have no bearing on the proposal.

The comments received that as the property is near a school the proposal is unsuitable have no bearing on the proposal.

The proposal is not an over-development of the site – the existing dwelling has 4 bedrooms and the proposal would be no different to a large family of a similar number of family members residing at the property.

The comments raised relating to the insufficient information provided with the application have been noted. However it is considered that sufficient information has been provided in relation to the proposed use and number of residents in order for the LPA to make a decision on the application. As discussed elsewhere the management of the way the care home is run is heavily regulated under other legislation and is not a planning consideration.

Conclusion

The application property is a large detached property in a residential location which is a suitable for the use proposed. The issues raised by those objecting to the application have been carefully considered, but it is concluded that there are no sound planning reasons to refuse permission on. It is therefore recommended that the application be approved. The proposal complies with Policies 1, 8, 28,29 and 30 of the North Northants Joint Core Strategy, Saved Policy 35 of the Kettering Borough Local Plan and the relevant sections within the National Planning Policy Framework.

Background Papers

Title of Document:

Date:

Contact Officer: Carol Grant, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

Location Plan of 7 Forest Glade, Kettering, NN16 9SP



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Scale: 1:1250, paper size: A4



7 Forest Glade, Kettering NN16 9SP



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0m 5m 10m 15m 20m 25m 30m 35m 40m

Scale: 1:500, paper size: A4

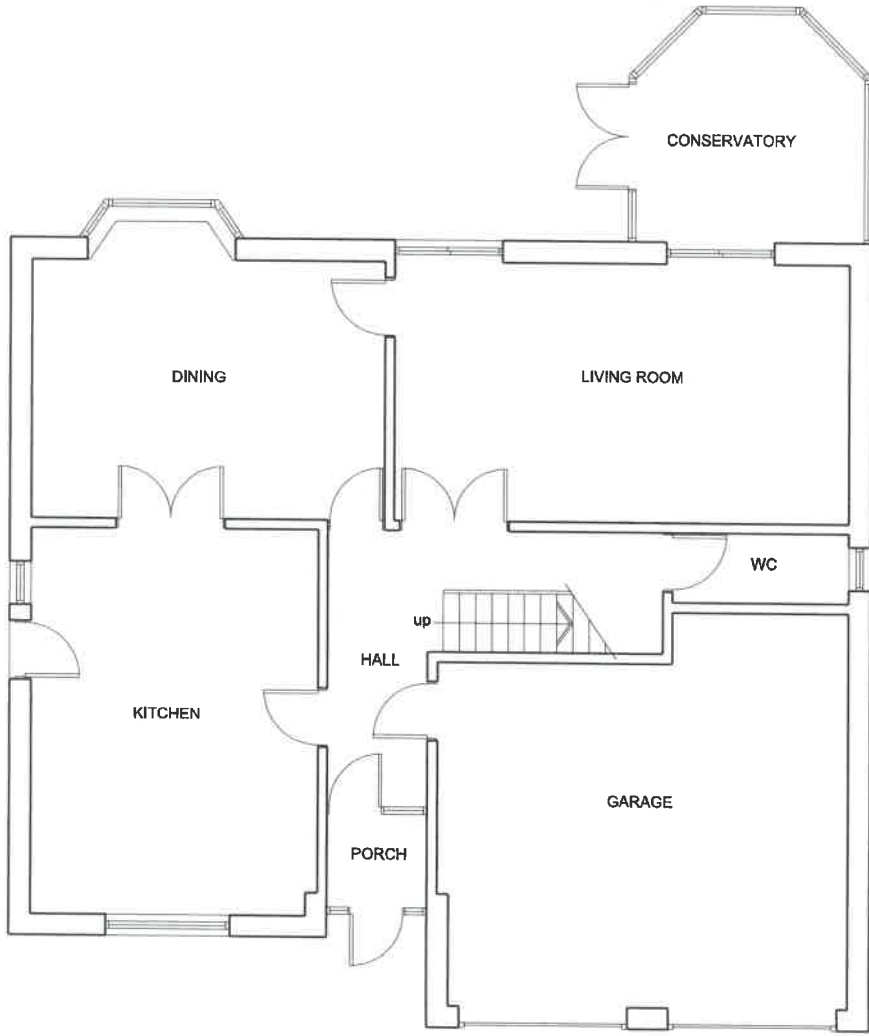
Site Plan & Parking



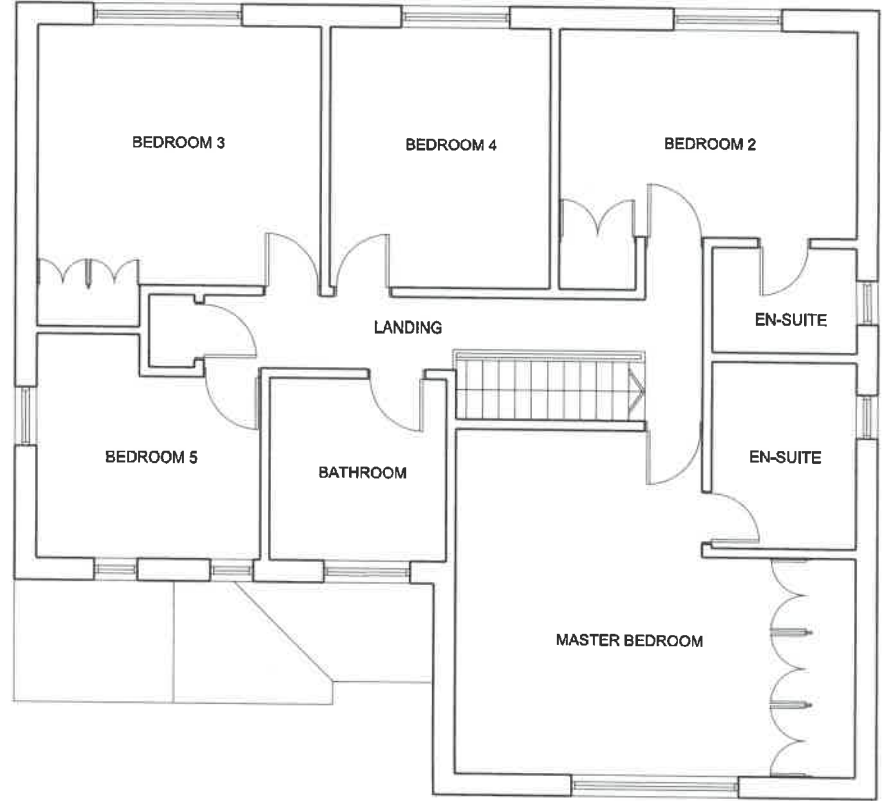
Parking for
2 cars in front
of double garage.



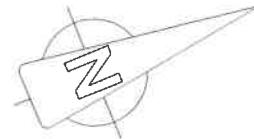
emapsite™
plans



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SCALE 1:50 @ A2 1:100@A4

HOUSE PLANS

7 Forest Glade Kettering NN16 9SP

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.4
Report Originator	Alison Riches Development Officer	Application No: KET/2020/0824
Wards Affected	Barton	
Location	46 Polwell Lane, Barton Seagrave	
Proposal	Full Application: Demolition of existing 2 storey dwelling and erection of new 2 storey dwelling	
Applicant	Mr R Hall Mortar & Co. Ltd	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

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

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

REASON: In the interest of securing an appropriate form of development in the interests of visual and residential amenity and highway safety 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. 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.

5. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

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

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

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

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

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

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

Officers Report for KET/2020/0824

This application is reported for Committee decision because there are unresolved material objections to the proposal, and the Parish Council is in support of the application.

3.0 Information

Relevant Planning History

KET/2018/0801. Full. 2 no. dwellings with associated landscaping and resurfacing of vehicle and pedestrian access. Refused 17/12/2018.

KET/2020/0603. Demolition of two storey dwelling and erection of two storey dwelling. Withdrawn 28/10/2020.

Site Visit

Officer's site inspection was carried out on 13/01/2021.

Site Description

The application site is located in an established residential area on the west side of Polwell Lane on the brow of a hill in Barton Seagrave, a parish to the southwest of Kettering.

The site currently comprises a large rectangular plot of land, measuring 17.8 metres wide by an average of 51.6 metres long, containing a vacant detached two-storey buff stone dwellinghouse with a grey pantile hipped roof. The dwellinghouse is located towards the front of the plot and has a number of small single storey additions and extensions to the front and all windows and doors are white painted wooden casements or sashes with white painted wooden lintels above and either painted wood or stone sills below.

A dwellinghouse is shown to have existed on site since the mid- to late 19th Century, and the current property, by virtue of the add-ons, sits forward of the surrounding neighbouring properties, although the main dwellinghouse follows a notional building line with its adjacent neighbours.

The adjacent property to the southeast was built in the early 20th Century, and the adjacent property to the northwest, was built around the 1940s.

The topography of the site is such that the ground slopes gently downwards from the back of the footpath to the rear boundary in a northeast to southwest direction.

Proposed Development

The proposal is for the demolition of the existing dwellinghouse on site and the construction of a two-storey detached dwellinghouse and associated parking.

The current application is a redesigned resubmission following the withdraw of a previous scheme submitted under reference KET/2020/0603.

Any Constraints Affecting the Site

C Road

4.0 Consultation and Customer Impact

Barton Seagrave Parish Council

- **Support.**
- Now parking at the front.
- One property being built on this plot.

Environmental Health

- **No objection.**
- Request standard construction working hours condition.

Neighbours

44 Polwell Lane

- **Objection.**
- Little has changed from KET/2020/0603. The narrative and scale of the build is similar but has been rearranged.
- The ground floor plan is far larger than the original 176.4 sq.m at 202.5 sq.m. The roof height at 8.9m is almost the same. Reducing the volume on the SE elevation has been transferred to the NW elevation which now measures 18m compared to 14m previously.
- The proposal has been extensively redesigned to reflect the architecture of the nearby semi-detached properties with the reduction in both height and width. The proportions look the same from the withdrawn plans, but a judgement can't be made without detailed measurements.
- The reduction in scale was accepted as it was too grand for the area and the set back further into the site behind a notional building line and away from the road. The agent states this will reduce the apparent height, but No.46 sits on the widest plot along both sides without a garage.
- Suspicions remain that if passed, the property will be free to use the very high roof space to add more rooms and a staircase to house more people and vehicles onto Polwell Lane – one of my concerns in my previous objections. This has confirmed my thoughts as the applicant has now increased his original plan to accommodate 3 plus cars from the previous application of 2 only
- The house is being built exceptionally close to the boundaries and is still too big leaving only 800mm on one side and a maximum of 1.5m the other side.
- The plot is 16.5m wide and the house 14.4m
- The frontage and mass would be imposing and being on the brow of a hill would magnify this, dominating the row of houses along Polwell Lane.
- Moving the build back by 2.8 metres reduces some of the volume but transfers it to the NW elevation which now has a length of 18m compared to the original 14.65m. There will be a door and 3 windows directly in line with our breakfast room window, hall, stairs and landing window, and the proposed bedroom windows are only 3m away from our back patio and garden directly overlooking that space, 1.5m from our boundary.
- As the garden slopes, assuming the front door level throughout will mean the height will increase considerably.
- The current plans give the impression that the new roof height is the same as the existing one and is in line with No.44. Plans for KET/2018/0801 show

the roof levels of No.46 are 1m higher than No.48 and 0.5m higher than No.44.

- The proposed block paved drive and turning area are extremely close to where a mains water supply has been laid directly under the guttering that is within my boundary.
- Concerned about a lack of light and sunshine due to the maximum 1.5m distance, 8.9m height and 18m length. This will completely overshadow and dominate the NW elevation. By moving it 2.8m back into the garden will restrict all light to our side patio, breakfast room window, utility room, window and glazed door. Light filtering through our sunroom patio doors will also be affected with a 3m high single storey dining room a metre higher than our fence. Our upstairs landing and hallway and bathroom will be cast in more darkness and the build at 8m plus high and 5m long will prevent direct sunlight arriving until very late in the day and will also affect our other bedroom window.
- More traffic will be generated onto the main road and there are already issues trying to enter Polwell Lane safely due to speeding traffic, the increased traffic from the Redrow site and the nearby pedestrian crossing.

67 Grosvenor Road

These comments were received outside of the required consultation period.

- **Objection.**
- The overall size of the proposed development would be severely overbearing to the neighbouring property's.
- This application is far more imposing than the previously withdrawn version.
- No other property on this stretch of road has such an overbearing and obtuse presence on any other neighbouring property's.
- On approaching the site from the North look at how little any property's overshadow any neighbours.
- This development would block most of the days sunlight from the property No.44 to the Northern side of the development.
- The overall height of the planned development is imposing and out of character with the two dwellings either side looking like it has been designed to allow the use of the roof as another storey.

Proximity to drains is not a material planning consideration. The security and safety of the drainage network will be dealt with through the Building Regulations.

5.0 Planning Policy

National Planning Policy Framework

Policy 2. Achieving sustainable development

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 5. Water Resources, Environment and Flood Risk Management

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network of Urban and Rural Areas

Policy 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

Saved Policies in the Local Plan for Kettering Borough

35. Housing: Within Towns

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

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

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

8.0 Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The key issues for consideration in this application are: -

1. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety
5. Contaminated Land
6. Energy Efficiency and Sustainable Development
7. Nene Valley Nature Improvement Area (NIA)
8. Footpath

1. The Principle of Development

The application site is in an established residential area in the parish of Barton Seagrave to the southwest of Kettering.

The National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development. The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area where Policy 35 is supportive of proposals for residential development in principle.

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

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

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

2. Character and Appearance

Both National and Local planning policy attach great importance to the design of the built environment. In the National Planning Policy Framework, Policy 5: Delivering a sufficient supply of homes and Policy 12: Achieving well-designed places, the Government places a duty on the Local Planning Authority through their policies and decisions to establish a strong sense of place and to respond to local character, reflecting local surroundings and materials, which are visually attractive as a result of good architecture. This stance is reflected in Policy 8 of the North Northamptonshire Joint Core Strategy which requires new development to respond to a site's immediate and wider context and local character.

The properties in Polwell Lane have been added piecemeal since the late 1800s in a range of ages and styles, with those in proximity to the application site having similar plot widths and being generally modest two-storey dwellinghouses. The application site by comparison, comprises a large rectangular plot of land, measuring 17.8 metres wide by an average of 51.6 metres long, containing a vacant detached two-storey buff stone dwellinghouse with a grey pantile hipped roof.

Although the application site has a larger plot width than most of the surrounding neighbours, the existing dwellinghouse on site sits centrally in the plot appearing small within its setting, although it is proportionate in its scale to the neighbouring properties.

The proposal is for a large detached two-storey dwellinghouse with associated parking and is a redesigned resubmission of a scheme withdrawn under reference KET/2020/0603.

The originally submitted proposal was a Georgian inspired scheme for a large rectangular two-and-a-half storey detached dwellinghouse containing front and rear roof dormers, with a single storey flat roofed element across the whole of the rear elevation and a rear parking area. This scheme was considered to result in a property which was overly dominant in the street scene, and grand in scale with too much detailing proposed in an area where modest, unfussy designs prevail. The proposed parking area was unusable due to their being insufficient driveway width to the side of the dwellinghouse to access it.

The current scheme is a redesigned proposal for a detached two-storey dwellinghouse which has two subordinate front projecting gables, a stepped rear elevation, and 2 no. smaller single storey flat roofed rear elements. The dwellinghouse has been set back further into the plot than the previous submission, and an area to the front has been provided for parking.

Concerns have been raised by objectors with respect to the size of the proposal and its impact on the character of the area, but Barton Seagrave Parish Council are in support of the application owing to there being one property built on the plot.

The design of the proposal takes its cues from surrounding residential development, including the large corner gateway properties into the nearby Redrow estate, and although the proposal is still large, it is sited such that there is space to each side of the proposal, meaning it sits proportionately within its plot and does not appear shoe-horned into the site. To achieve this the southeast elevation is approximately a metre in from the adjacent footpath, with there being 2.5 metres between the northwest elevation and the site boundary with No.44 Polwell Lane.

The overall height has been reduced by 0.6 metres, the eaves by 1 metre and the width by 0.4 metres, from the previously submitted scheme. The overall length of the two-storey element of the previous proposal was 10.3 metres which has been amended to 7.7 metres along the southeast elevation adjacent to the footpath. The changes in length along the southeast elevation, the setting back of the proposed dwellinghouse within the site, and the stepped nature of the front and side (southeast) elevations, are considered to address its visibility and reduce its impact on the character and appearance within the street scene.

It is considered that, provided the proposal is built out in accordance with the submitted details in materials which are required to be submitted for approval, both of which can be controlled by condition, the submitted scheme will not adversely impact on the character and appearance of surrounding residential development or the wider street scene. This is in accordance with Policies 5 and 12 of the National

Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

Concerns have also been raised by objectors that the applicants may wish to put additional rooms in the roof, although they do not give a reason for this concern. Loft conversions are permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, with the regulation of the exterior appearance of the roof by way of additions and alterations, controlled by Classes B and C of Part 1, Schedule 2, Article 3 of the Order. The current design of the proposal has a more complicated roof structure than the previously submitted scheme and as such, although there may be some scope for a loft conversion, the amount of internal useable area has decreased. As dormer windows are not a feature common in surrounding residential properties, in the interests of the appearance of the dwellinghouse within the street scene, a condition will be added to prevent openings in any roof plane of the building.

As such, subject to conditions for the proposal to be built out in accordance with the submitted plans and details, the provision of materials for approval, and no openings in any roof plane, it is considered the proposal reflects the character of surrounding residential development which is in accordance with Policies 5 and 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

The National Planning Policy Framework in Policy 12, paragraph 127(f) seeks to ensure that development creates places with high standards of amenity for existing and future users. (overbearing/sense of enclosure).

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

Policy 30(b) of the North Northamptonshire Joint Core Strategy require new dwellings to meet the National Space Standards as described in the Technical Housing Standards - Nationally Described Space Standards (March 2015) as a minimum to ensure adequate amenity for future occupiers. The submitted scheme provides an overall Gross Internal Area (GIA) in excess of the 124m² required for a two-storey 4 bedroom house, with bedroom sizes in excess of the 11.5m² required for bedrooms with two bedspaces, including widths greater than the required 2.75m and 2.55m widths.

Concerns have been raised by objectors in terms of the massing of the proposed dwellinghouse on the brow of the hill in Polwell Lane, dominating the surrounding properties, the increase in length to the northwest elevation and its impact on the amenities of the occupiers of No.44 Polwell Lane, and the addition of another storey.

The current scheme is a redesigned proposal for a detached two-storey dwellinghouse which has two subordinate front projecting gables, a stepped rear elevation, and 2 no. smaller single storey flat roofed rear elements. The dwellinghouse has been set back further into the plot than the previous submission,

and an area to the front has been provided for parking. The stepped nature of the design means that the two-storey element has reduced on the southeast elevation from 10.3 metres to 7.7 metres but has increased from 10.3 metres to 13.6 metres on the northwest elevation.

Setting the proposed dwellinghouse back further into the site and reducing the overall height slightly, means that the bulk of the property is more shielded by neighbouring residential properties. Where the proposal is adjacent to the footpath to the southeast, the applicants have provided a stepped elevation and roof scheme which breaks up the massing of this elevation, thereby reducing its impact within the street scene. To the northeast, although the length of the two-storey element has increased, it is relative proximity to 2 no. single storey hip-roofed structures at the adjacent neighbour at No.44 Polwell Lane. It is considered that these 2 no. structures with their hipped roofs serve to reduce the impact of the length of the two-storey element of the proposal on these neighbouring occupiers.

As such, it is considered that the proposal does not adversely impact on the amenities of surrounding neighbouring occupiers by virtue of a sense of enclosure or overbearing.

With respect to the proposal it is considered the neighbours most likely to be affected are those adjacent to the site at No.44 Polwell Lane to the northwest and No.48 to the southeast. It is considered that the separation distance to any other neighbouring occupier is too great to be considered harmful.

With respect to No.44, this property is immediately adjacent to the application site to the northwest and has a single storey hip roofed garage attached to the side of the dwellinghouse. This garage was built out following planning permission granted by KE/93/0202 on 04/05/1993. This permission also permitted the construction of a hipped roof to an existing flat roofed single garage at the site, which was set back and attached to the rear part of the existing dwellinghouse, and which has been converted to be part sunroom to the rear and part utility room to the front. Both these garage structures abut the northwest boundary of the application site.

Objections have been received from this neighbour that there will be a door and 3 no. windows directly in line with their breakfast room window, hall, stairs and landing window, and utility room window and glazed door, with the proposed bedroom windows only 3 metres away from the back patio and garden, directly overlooking that space, and 1.5 metres from the boundary.

There is a separation distance between the windows in the side (southeast) elevation of No.44 and the side (northwest) elevation of the proposal which comprises the width of the garage buildings at No.44 and 2.5 metres from the boundary to the side (northwest) elevation of the proposal, not 1.5 metres as stated by the objector. This combined separation distance is approximately 6 metres.

Referring to the permission granted by KE/93/0202, the breakfast room is located on the ground floor between the 2 no. garage buildings at No.44, with a window in the southeast elevation of the existing dwellinghouse, overlooking a small courtyard created by the 2 no. garage buildings and the boundary fence with No.46. The front

elevation of the former garage contains a door and window with faces northeast and serves a utility room.

On the northwest elevation, the proposal contains a ground floor door and window which serve a lobby and a utility room. As these windows are ground floor and will be separated from No.44 by 2.5 metres and the existing 1.8 metre high boundary treatment, it is considered these windows will lead to no adverse impacts on the amenities of these neighbouring occupiers.

At first floor level, the northwest elevation of the proposal contains 2 no. en-suite windows. In order to protect the privacy of the occupiers of No.44 and to prevent overlooking, a condition will be added to retain these windows as obscure glazed and fixed shut, unless the opening part is 1.7 metres above the floor level of the room. An additional condition will ensure no further openings are made at first floor level in the northwest elevation or any roof plane to further protect the amenities of these neighbouring occupiers.

With respect to a loss of daylight or sunlight, it is considered that the separation distance of 6 metres between the proposed flank wall at the application site and the existing flank wall at No.44, means that there will not be a significant adverse impact on the amenities of these neighbouring occupiers in terms of a loss of daylight or sunlight.

With respect to the concerns raised regarding overshadowing of the side patio at No.44, this is located to the rear of the former garage (now sunroom) at the site and runs behind this and the adjacent rear extensions at No.44. The objector has provided a photo of this area which shows the patio area adjacent to the boundary with the application site, which appears to be a small area of hardstanding with planting at its edge, leading to a wider patio area behind the other smaller rear extensions at No.44. The patio area immediately behind the sunroom appears to be sufficient to only to provide an exit from the rear patio doors of the building and not a useable outside space. In addition, the sunroom has another set of patio doors in its side elevation, facing northwest which allows access to the wider patio area. It is therefore considered that the separation distance between the built form at the application site, which is single storey in this area, and this area of the neighbours garden is sufficient and means there will be no adverse amenity impacts on these adjacent neighbours in terms of overshadowing.

The location of first floor rear windows in the proposal and the separation distance to the adjacent neighbours on both sides means there would be no loss of privacy or overlooking to the occupiers of either of these properties.

With respect to the adjacent neighbour to the southeast at No.48, the presence of the footpath between the application site and this neighbour means there is sufficient separation distance for the proposed first floor opening, serving an en-suite, in the southeast elevation to cause no issues in terms of a loss of privacy and overlooking to the neighbouring occupiers at No.48 Polwell Lane. A condition will be added to retain it as obscure glazed and fixed shut unless the opening part is 1.7 metres above the floor level of the room, to ensure there is privacy for future occupiers from views from the footpath. An additional condition will ensure no

further openings are made at first floor level in the southeast elevation or any roof plane to further protect the amenities of these neighbouring occupiers.

With respect to other amenity issues, it is considered the orientation of the dwellinghouse in relation to the path of the sun and the neighbouring properties means there will be no loss of daylight or sunlight to surrounding neighbouring occupiers or future occupiers of the property.

To protect the amenities of surrounding occupiers during the construction phase, a condition will be added to restrict audible site working hours to Monday to Friday 08:00 to 18:00, Saturday 08:30 to 13:30 and not at all on Sundays or Bank Holidays.

As such, subject to conditions for the proposal to be built out in accordance with the submitted plans and details, working hours for construction, no more openings at first floor level in the northwest and southeast elevations, the retention of obscure glazing and the fixing shut of the proposed openings in these elevations unless they can open 1.7 metres above the floor level of the room in which they are proposed, and no openings in any roof plane, it is considered the proposal accords with Policy 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Parking and Highway Safety

Policy 9 of the National Planning Policy Framework which is supported by Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy, seeks to ensure new development provides a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The application site sits at the brow of a hill in Polwell Lane and there are double yellow lines running from No.38 to No.50 Polwell Lane on both sides, with limited verge space available. This means that to ensure there are no highway safety issues in relation to both pedestrian and vehicular users of the highway, parking is required to predominantly be provided within the site.

Concerns have been raised by objectors that the additional parking provided within the site will lead to the provision of additional rooms in the roof, and the generation of additional traffic will compound existing traffic issues in Polwell Lane and from the nearby Redrow site, but Barton Seagrave Parish Council support the proposal due to the parking being provided at the front.

The originally submitted scheme provided 2 no. parking spaces to the rear of the dwellinghouse which were inaccessible due to the width of the driveway provided to the side (northwest) of the proposed dwellinghouse. The number of spaces proposed was also insufficient for a 4-bedroom dwellinghouse, in accordance with the requirements in the Local Highway Authority guidance contained in Local Highway Authority Parking Standards (September 2016).

In order to accommodate the parking provision required by the Local Highway Authority, which is at least 3 no. parking spaces plus cycle parking at one space per bedroom for a 4-bedroom dwellinghouse, this scheme has moved the proposed dwellinghouse further back from the front boundary of the site and widened the

vehicular access, to now provide an area of parking in front of the dwellinghouse. Access and parking provided at the front of the site in accordance with Local Highway Authority requirements, is considered to be reflective of the prevailing character of surrounding residential development.

The depth at the front of the plot of 10.6 metres and a width of just under 18 metres is considered to be an adequate area to provide parking, turning and manoeuvring in accordance with the Local Highway Authority requirements.

As such, subject to the proposal being built out in accordance with the submitted details, which can be secured by condition, it is considered that the current scheme provides access and parking in accordance with the Local Highway Authority requirements and therefore complies with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 9 of the National Planning Policy Framework.

5. 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.

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.

In order to guard against unexpected contamination discovered during construction, further investigation/remediation scheme is to be secured by condition 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.

6. 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.

Details in relation to energy efficiency and water usage are to be secured by way of a condition.

7. Nene Valley Nature Improvement Area (NIA)

The application site is within the NIA boundary, however, as the application site is in an established residential area and the replacement dwellinghouse is located in the area of the existing dwellinghouse on site, it is considered that the scale of the development proposed will not have an adverse impact on existing wildlife or the improvement of the Nene Valley.

8. Footpath

A footpath runs along the side (southeast) boundary of the site, separating the application site from its adjacent neighbour to the southeast at No.48 Polwell Lane. The footpath was historically an access to Dales Lodge Farmhouse, formerly located at the southeast edge of what is now the Redrow site. The footpath has been retained to provide an historic link to Dales Lodge and to provide a pedestrian link from Polwell Lane through the centre of the Redrow site and is particularly used for access to the Village Hall, the allotments, and Wicksteed Park beyond.

Conclusion

Subject to the imposition of relevant conditions, it is considered that the proposal accords with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.4
Report Originator	Alison Riches Development Officer	Application No: KET/2020/0824
Wards Affected	Barton	
Location	46 Polwell Lane, Barton Seagrave	
Proposal	Full Application: Demolition of existing 2 storey dwelling and erection of new 2 storey dwelling	
Applicant	Mr R Hall Mortar & Co. Ltd	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

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

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

REASON: In the interest of securing an appropriate form of development in the interests of visual and residential amenity and highway safety 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. 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.

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

6. The dwellinghouse hereby approved shall be constructed to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition).
REASON: In the interests of sustainability and energy efficiency in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

7. The windows at first floor level on the side (northwest and southeast) elevations shall be glazed with obscured glass and any portion of the window that is within 1.7m of the floor of the room where the window is installed shall be non-openable. The windows shall thereafter be maintained in that form.
REASON: To protect the privacy of the adjoining properties and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A, B or C shall be made at first floor level in the side (northwest and southeast) elevations or in any roof plane of the building.
REASON: To protect the visual amenity of the area and the amenity and privacy of the occupiers of adjacent properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2020/0824

This application is reported for Committee decision because there are unresolved material objections to the proposal, and the Parish Council is in support of the application.

3.0 Information

Relevant Planning History

KET/2018/0801. Full. 2 no. dwellings with associated landscaping and resurfacing of vehicle and pedestrian access. Refused 17/12/2018.

KET/2020/0603. Demolition of two storey dwelling and erection of two storey dwelling. Withdrawn 28/10/2020.

Site Visit

Officer's site inspection was carried out on 13/01/2021.

Site Description

The application site is located in an established residential area on the west side of Polwell Lane on the brow of a hill in Barton Seagrave, a parish to the southwest of Kettering.

The site currently comprises a large rectangular plot of land, measuring 17.8 metres wide by an average of 51.6 metres long, containing a vacant detached two-storey buff stone dwellinghouse with a grey pantile hipped roof. The dwellinghouse is located towards the front of the plot and has a number of small single storey additions and extensions to the front and all windows and doors are white painted wooden casements or sashes with white painted wooden lintels above and either painted wood or stone sills below.

A dwellinghouse is shown to have existed on site since the mid- to late 19th Century, and the current property, by virtue of the add-ons, sits forward of the surrounding neighbouring properties, although the main dwellinghouse follows a notional building line with its adjacent neighbours.

The adjacent property to the southeast was built in the early 20th Century, and the adjacent property to the northwest, was built around the 1940s.

The topography of the site is such that the ground slopes gently downwards from the back of the footpath to the rear boundary in a northeast to southwest direction.

Proposed Development

The proposal is for the demolition of the existing dwellinghouse on site and the construction of a two-storey detached dwellinghouse and associated parking.

The current application is a redesigned resubmission following the withdraw of a previous scheme submitted under reference KET/2020/0603.

Any Constraints Affecting the Site

C Road

4.0 Consultation and Customer Impact

Barton Seagrave Parish Council

- **Support.**
- Now parking at the front.
- One property being built on this plot.

Environmental Health

- **No objection.**
- Request standard construction working hours condition.

Neighbours

44 Polwell Lane

- **Objection.**
- Little has changed from KET/2020/0603. The narrative and scale of the build is similar but has been rearranged.
- The ground floor plan is far larger than the original 176.4 sq.m at 202.5 sq.m. The roof height at 8.9m is almost the same. Reducing the volume on the SE elevation has been transferred to the NW elevation which now measures 18m compared to 14m previously.
- The proposal has been extensively redesigned to reflect the architecture of the nearby semi-detached properties with the reduction in both height and width. The proportions look the same from the withdrawn plans, but a judgement can't be made without detailed measurements.
- The reduction in scale was accepted as it was too grand for the area and the set back further into the site behind a notional building line and away from the road. The agent states this will reduce the apparent height, but No.46 sits on the widest plot along both sides without a garage.
- Suspicions remain that if passed, the property will be free to use the very high roof space to add more rooms and a staircase to house more people and vehicles onto Polwell Lane – one of my concerns in my previous objections. This has confirmed my thoughts as the applicant has now increased his original plan to accommodate 3 plus cars from the previous application of 2 only
- The house is being built exceptionally close to the boundaries and is still too big leaving only 800mm on one side and a maximum of 1.5m the other side.
- The plot is 16.5m wide and the house 14.4m
- The frontage and mass would be imposing and being on the brow of a hill would magnify this, dominating the row of houses along Polwell Lane.
- Moving the build back by 2.8 metres reduces some of the volume but transfers it to the NW elevation which now has a length of 18m compared to the original 14.65m. There will be a door and 3 windows directly in line with our breakfast room window, hall, stairs and landing window, and the proposed bedroom windows are only 3m away from our back patio and garden directly overlooking that space, 1.5m from our boundary.
- As the garden slopes, assuming the front door level throughout will mean the height will increase considerably.
- The current plans give the impression that the new roof height is the same as the existing one and is in line with No.44. Plans for KET/2018/0801 show

the roof levels of No.46 are 1m higher than No.48 and 0.5m higher than No.44.

- The proposed block paved drive and turning area are extremely close to where a mains water supply has been laid directly under the guttering that is within my boundary.
- Concerned about a lack of light and sunshine due to the maximum 1.5m distance, 8.9m height and 18m length. This will completely overshadow and dominate the NW elevation. By moving it 2.8m back into the garden will restrict all light to our side patio, breakfast room window, utility room, window and glazed door. Light filtering through our sunroom patio doors will also be affected with a 3m high single storey dining room a metre higher than our fence. Our upstairs landing and hallway and bathroom will be cast in more darkness and the build at 8m plus high and 5m long will prevent direct sunlight arriving until very late in the day and will also affect our other bedroom window.
- More traffic will be generated onto the main road and there are already issues trying to enter Polwell Lane safely due to speeding traffic, the increased traffic from the Redrow site and the nearby pedestrian crossing.

67 Grosvenor Road

These comments were received outside of the required consultation period.

- **Objection.**
- The overall size of the proposed development would be severely overbearing to the neighbouring property's.
- This application is far more imposing than the previously withdrawn version.
- No other property on this stretch of road has such an overbearing and obtuse presence on any other neighbouring property's.
- On approaching the site from the North look at how little any property's overshadow any neighbours.
- This development would block most of the days sunlight from the property No.44 to the Northern side of the development.
- The overall height of the planned development is imposing and out of character with the two dwellings either side looking like it has been designed to allow the use of the roof as another storey.

Proximity to drains is not a material planning consideration. The security and safety of the drainage network will be dealt with through the Building Regulations.

5.0 Planning Policy

National Planning Policy Framework

Policy 2. Achieving sustainable development

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 5. Water Resources, Environment and Flood Risk Management

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network of Urban and Rural Areas

Policy 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

Saved Policies in the Local Plan for Kettering Borough

35. Housing: Within Towns

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

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

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

8.0 Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The key issues for consideration in this application are: -

1. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety
5. Contaminated Land
6. Energy Efficiency and Sustainable Development
7. Nene Valley Nature Improvement Area (NIA)
8. Footpath

1. The Principle of Development

The application site is in an established residential area in the parish of Barton Seagrave to the southwest of Kettering.

The National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development. The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area where Policy 35 is supportive of proposals for residential development in principle.

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

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

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

2. Character and Appearance

Both National and Local planning policy attach great importance to the design of the built environment. In the National Planning Policy Framework, Policy 5: Delivering a sufficient supply of homes and Policy 12: Achieving well-designed places, the Government places a duty on the Local Planning Authority through their policies and decisions to establish a strong sense of place and to respond to local character, reflecting local surroundings and materials, which are visually attractive as a result of good architecture. This stance is reflected in Policy 8 of the North Northamptonshire Joint Core Strategy which requires new development to respond to a site's immediate and wider context and local character.

The properties in Polwell Lane have been added piecemeal since the late 1800s in a range of ages and styles, with those in proximity to the application site having similar plot widths and being generally modest two-storey dwellinghouses. The application site by comparison, comprises a large rectangular plot of land, measuring 17.8 metres wide by an average of 51.6 metres long, containing a vacant detached two-storey buff stone dwellinghouse with a grey pantile hipped roof.

Although the application site has a larger plot width than most of the surrounding neighbours, the existing dwellinghouse on site sits centrally in the plot appearing small within its setting, although it is proportionate in its scale to the neighbouring properties.

The proposal is for a large detached two-storey dwellinghouse with associated parking and is a redesigned resubmission of a scheme withdrawn under reference KET/2020/0603.

The originally submitted proposal was a Georgian inspired scheme for a large rectangular two-and-a-half storey detached dwellinghouse containing front and rear roof dormers, with a single storey flat roofed element across the whole of the rear elevation and a rear parking area. This scheme was considered to result in a property which was overly dominant in the street scene, and grand in scale with too much detailing proposed in an area where modest, unfussy designs prevail. The proposed parking area was unusable due to their being insufficient driveway width to the side of the dwellinghouse to access it.

The current scheme is a redesigned proposal for a detached two-storey dwellinghouse which has two subordinate front projecting gables, a stepped rear elevation, and 2 no. smaller single storey flat roofed rear elements. The dwellinghouse has been set back further into the plot than the previous submission, and an area to the front has been provided for parking.

Concerns have been raised by objectors with respect to the size of the proposal and its impact on the character of the area, but Barton Seagrave Parish Council are in support of the application owing to there being one property built on the plot.

The design of the proposal takes its cues from surrounding residential development, including the large corner gateway properties into the nearby Redrow estate, and although the proposal is still large, it is sited such that there is space to each side of the proposal, meaning it sits proportionately within its plot and does not appear shoe-horned into the site. To achieve this the southeast elevation is approximately a metre in from the adjacent footpath, with there being 2.5 metres between the northwest elevation and the site boundary with No.44 Polwell Lane.

The overall height has been reduced by 0.6 metres, the eaves by 1 metre and the width by 0.4 metres, from the previously submitted scheme. The overall length of the two-storey element of the previous proposal was 10.3 metres which has been amended to 7.7 metres along the southeast elevation adjacent to the footpath. The changes in length along the southeast elevation, the setting back of the proposed dwellinghouse within the site, and the stepped nature of the front and side (southeast) elevations, are considered to address its visibility and reduce its impact on the character and appearance within the street scene.

It is considered that, provided the proposal is built out in accordance with the submitted details in materials which are required to be submitted for approval, both of which can be controlled by condition, the submitted scheme will not adversely impact on the character and appearance of surrounding residential development or the wider street scene. This is in accordance with Policies 5 and 12 of the National

Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

Concerns have also been raised by objectors that the applicants may wish to put additional rooms in the roof, although they do not give a reason for this concern. Loft conversions are permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, with the regulation of the exterior appearance of the roof by way of additions and alterations, controlled by Classes B and C of Part 1, Schedule 2, Article 3 of the Order. The current design of the proposal has a more complicated roof structure than the previously submitted scheme and as such, although there may be some scope for a loft conversion, the amount of internal useable area has decreased. As dormer windows are not a feature common in surrounding residential properties, in the interests of the appearance of the dwellinghouse within the street scene, a condition will be added to prevent openings in any roof plane of the building.

As such, subject to conditions for the proposal to be built out in accordance with the submitted plans and details, the provision of materials for approval, and no openings in any roof plane, it is considered the proposal reflects the character of surrounding residential development which is in accordance with Policies 5 and 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

The National Planning Policy Framework in Policy 12, paragraph 127(f) seeks to ensure that development creates places with high standards of amenity for existing and future users. (overbearing/sense of enclosure).

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

Policy 30(b) of the North Northamptonshire Joint Core Strategy require new dwellings to meet the National Space Standards as described in the Technical Housing Standards - Nationally Described Space Standards (March 2015) as a minimum to ensure adequate amenity for future occupiers. The submitted scheme provides an overall Gross Internal Area (GIA) in excess of the 124m² required for a two-storey 4 bedroom house, with bedroom sizes in excess of the 11.5m² required for bedrooms with two bedspaces, including widths greater than the required 2.75m and 2.55m widths.

Concerns have been raised by objectors in terms of the massing of the proposed dwellinghouse on the brow of the hill in Polwell Lane, dominating the surrounding properties, the increase in length to the northwest elevation and its impact on the amenities of the occupiers of No.44 Polwell Lane, and the addition of another storey.

The current scheme is a redesigned proposal for a detached two-storey dwellinghouse which has two subordinate front projecting gables, a stepped rear elevation, and 2 no. smaller single storey flat roofed rear elements. The dwellinghouse has been set back further into the plot than the previous submission,

and an area to the front has been provided for parking. The stepped nature of the design means that the two-storey element has reduced on the southeast elevation from 10.3 metres to 7.7 metres but has increased from 10.3 metres to 13.6 metres on the northwest elevation.

Setting the proposed dwellinghouse back further into the site and reducing the overall height slightly, means that the bulk of the property is more shielded by neighbouring residential properties. Where the proposal is adjacent to the footpath to the southeast, the applicants have provided a stepped elevation and roof scheme which breaks up the massing of this elevation, thereby reducing its impact within the street scene. To the northeast, although the length of the two-storey element has increased, it is relative proximity to 2 no. single storey hip-roofed structures at the adjacent neighbour at No.44 Polwell Lane. It is considered that these 2 no. structures with their hipped roofs serve to reduce the impact of the length of the two-storey element of the proposal on these neighbouring occupiers.

As such, it is considered that the proposal does not adversely impact on the amenities of surrounding neighbouring occupiers by virtue of a sense of enclosure or overbearing.

With respect to the proposal it is considered the neighbours most likely to be affected are those adjacent to the site at No.44 Polwell Lane to the northwest and No.48 to the southeast. It is considered that the separation distance to any other neighbouring occupier is too great to be considered harmful.

With respect to No.44, this property is immediately adjacent to the application site to the northwest and has a single storey hip roofed garage attached to the side of the dwellinghouse. This garage was built out following planning permission granted by KE/93/0202 on 04/05/1993. This permission also permitted the construction of a hipped roof to an existing flat roofed single garage at the site, which was set back and attached to the rear part of the existing dwellinghouse, and which has been converted to be part sunroom to the rear and part utility room to the front. Both these garage structures abut the northwest boundary of the application site.

Objections have been received from this neighbour that there will be a door and 3 no. windows directly in line with their breakfast room window, hall, stairs and landing window, and utility room window and glazed door, with the proposed bedroom windows only 3 metres away from the back patio and garden, directly overlooking that space, and 1.5 metres from the boundary.

There is a separation distance between the windows in the side (southeast) elevation of No.44 and the side (northwest) elevation of the proposal which comprises the width of the garage buildings at No.44 and 2.5 metres from the boundary to the side (northwest) elevation of the proposal, not 1.5 metres as stated by the objector. This combined separation distance is approximately 6 metres.

Referring to the permission granted by KE/93/0202, the breakfast room is located on the ground floor between the 2 no. garage buildings at No.44, with a window in the southeast elevation of the existing dwellinghouse, overlooking a small courtyard created by the 2 no. garage buildings and the boundary fence with No.46. The front

elevation of the former garage contains a door and window with faces northeast and serves a utility room.

On the northwest elevation, the proposal contains a ground floor door and window which serve a lobby and a utility room. As these windows are ground floor and will be separated from No.44 by 2.5 metres and the existing 1.8 metre high boundary treatment, it is considered these windows will lead to no adverse impacts on the amenities of these neighbouring occupiers.

At first floor level, the northwest elevation of the proposal contains 2 no. en-suite windows. In order to protect the privacy of the occupiers of No.44 and to prevent overlooking, a condition will be added to retain these windows as obscure glazed and fixed shut, unless the opening part is 1.7 metres above the floor level of the room. An additional condition will ensure no further openings are made at first floor level in the northwest elevation or any roof plane to further protect the amenities of these neighbouring occupiers.

With respect to a loss of daylight or sunlight, it is considered that the separation distance of 6 metres between the proposed flank wall at the application site and the existing flank wall at No.44, means that there will not be a significant adverse impact on the amenities of these neighbouring occupiers in terms of a loss of daylight or sunlight.

With respect to the concerns raised regarding overshadowing of the side patio at No.44, this is located to the rear of the former garage (now sunroom) at the site and runs behind this and the adjacent rear extensions at No.44. The objector has provided a photo of this area which shows the patio area adjacent to the boundary with the application site, which appears to be a small area of hardstanding with planting at its edge, leading to a wider patio area behind the other smaller rear extensions at No.44. The patio area immediately behind the sunroom appears to be sufficient to only to provide an exit from the rear patio doors of the building and not a useable outside space. In addition, the sunroom has another set of patio doors in its side elevation, facing northwest which allows access to the wider patio area. It is therefore considered that the separation distance between the built form at the application site, which is single storey in this area, and this area of the neighbours garden is sufficient and means there will be no adverse amenity impacts on these adjacent neighbours in terms of overshadowing.

The location of first floor rear windows in the proposal and the separation distance to the adjacent neighbours on both sides means there would be no loss of privacy or overlooking to the occupiers of either of these properties.

With respect to the adjacent neighbour to the southeast at No.48, the presence of the footpath between the application site and this neighbour means there is sufficient separation distance for the proposed first floor opening, serving an en-suite, in the southeast elevation to cause no issues in terms of a loss of privacy and overlooking to the neighbouring occupiers at No.48 Polwell Lane. A condition will be added to retain it as obscure glazed and fixed shut unless the opening part is 1.7 metres above the floor level of the room, to ensure there is privacy for future occupiers from views from the footpath. An additional condition will ensure no

further openings are made at first floor level in the southeast elevation or any roof plane to further protect the amenities of these neighbouring occupiers.

With respect to other amenity issues, it is considered the orientation of the dwellinghouse in relation to the path of the sun and the neighbouring properties means there will be no loss of daylight or sunlight to surrounding neighbouring occupiers or future occupiers of the property.

To protect the amenities of surrounding occupiers during the construction phase, a condition will be added to restrict audible site working hours to Monday to Friday 08:00 to 18:00, Saturday 08:30 to 13:30 and not at all on Sundays or Bank Holidays.

As such, subject to conditions for the proposal to be built out in accordance with the submitted plans and details, working hours for construction, no more openings at first floor level in the northwest and southeast elevations, the retention of obscure glazing and the fixing shut of the proposed openings in these elevations unless they can open 1.7 metres above the floor level of the room in which they are proposed, and no openings in any roof plane, it is considered the proposal accords with Policy 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Parking and Highway Safety

Policy 9 of the National Planning Policy Framework which is supported by Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy, seeks to ensure new development provides a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The application site sits at the brow of a hill in Polwell Lane and there are double yellow lines running from No.38 to No.50 Polwell Lane on both sides, with limited verge space available. This means that to ensure there are no highway safety issues in relation to both pedestrian and vehicular users of the highway, parking is required to predominantly be provided within the site.

Concerns have been raised by objectors that the additional parking provided within the site will lead to the provision of additional rooms in the roof, and the generation of additional traffic will compound existing traffic issues in Polwell Lane and from the nearby Redrow site, but Barton Seagrave Parish Council support the proposal due to the parking being provided at the front.

The originally submitted scheme provided 2 no. parking spaces to the rear of the dwellinghouse which were inaccessible due to the width of the driveway provided to the side (northwest) of the proposed dwellinghouse. The number of spaces proposed was also insufficient for a 4-bedroom dwellinghouse, in accordance with the requirements in the Local Highway Authority guidance contained in Local Highway Authority Parking Standards (September 2016).

In order to accommodate the parking provision required by the Local Highway Authority, which is at least 3 no. parking spaces plus cycle parking at one space per bedroom for a 4-bedroom dwellinghouse, this scheme has moved the proposed dwellinghouse further back from the front boundary of the site and widened the

vehicular access, to now provide an area of parking in front of the dwellinghouse. Access and parking provided at the front of the site in accordance with Local Highway Authority requirements, is considered to be reflective of the prevailing character of surrounding residential development.

The depth at the front of the plot of 10.6 metres and a width of just under 18 metres is considered to be an adequate area to provide parking, turning and manoeuvring in accordance with the Local Highway Authority requirements.

As such, subject to the proposal being built out in accordance with the submitted details, which can be secured by condition, it is considered that the current scheme provides access and parking in accordance with the Local Highway Authority requirements and therefore complies with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 9 of the National Planning Policy Framework.

5. 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.

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.

In order to guard against unexpected contamination discovered during construction, further investigation/remediation scheme is to be secured by condition 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.

6. Energy Efficiency and Sustainable Design

Policy 9 of the North Northamptonshire Joint Core Strategy 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.

Details in relation to energy efficiency and water usage are to be secured by way of a condition.

7. Nene Valley Nature Improvement Area (NIA)

The application site is within the NIA boundary, however, as the application site is in an established residential area and the replacement dwellinghouse is located in the area of the existing dwellinghouse on site, it is considered that the scale of the development proposed will not have an adverse impact on existing wildlife or the improvement of the Nene Valley.

8. Footpath

A footpath runs along the side (southeast) boundary of the site, separating the application site from its adjacent neighbour to the southeast at No.48 Polwell Lane. The footpath was historically an access to Dales Lodge Farmhouse, formerly located at the southeast edge of what is now the Redrow site. The footpath has been retained to provide an historic link to Dales Lodge and to provide a pedestrian link from Polwell Lane through the centre of the Redrow site and is particularly used for access to the Village Hall, the allotments, and Wicksteed Park beyond.

Conclusion

Subject to the imposition of relevant conditions, it is considered that the proposal accords with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

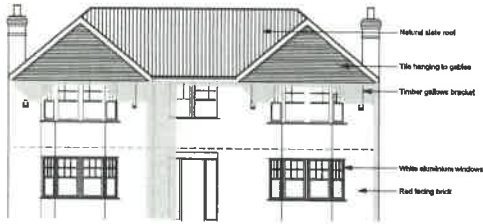
46, Polwell Lane, Barton Seagrave, Northamptonshire, NN15 6UA



Site Plan shows area bounded by: 488642.19, 276517.97 488842.19, 276717.97 (at a scale of 1:1250), OSGridRef: SP88747661. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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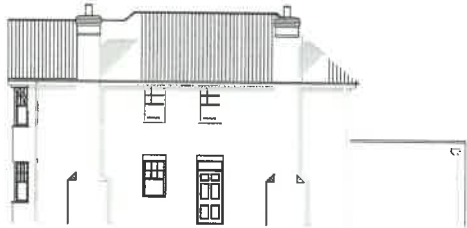
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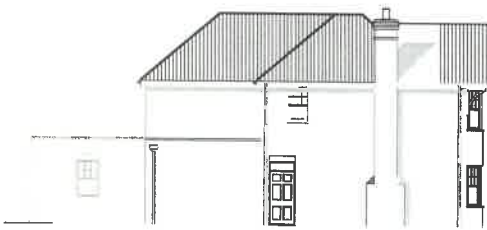
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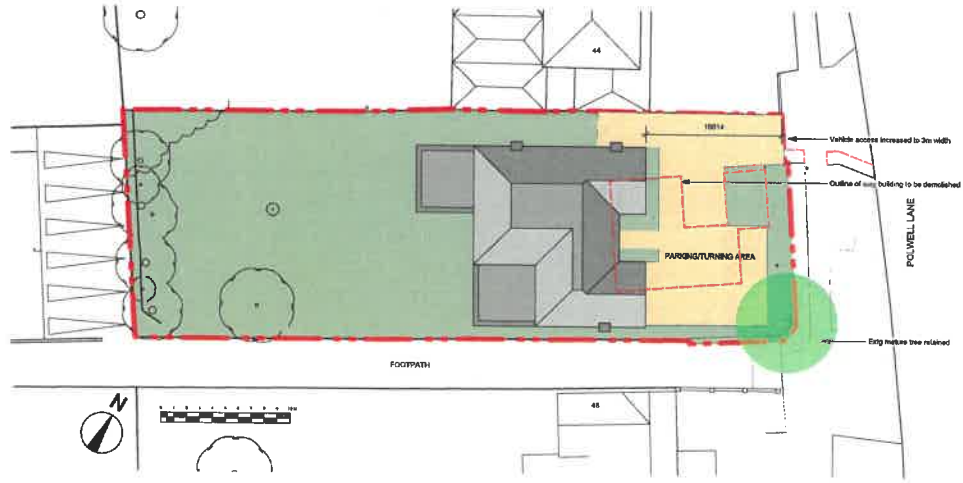
SOUTH WEST ELEVATION



NORTH WEST ELEVATION



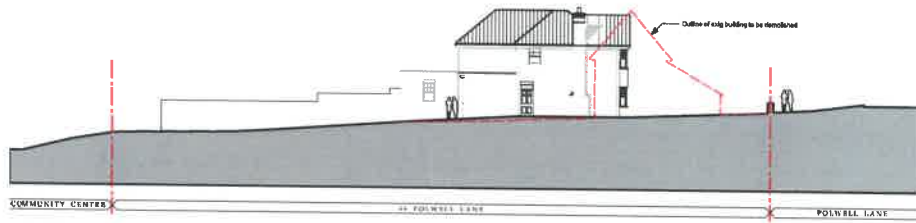
SOUTH EAST ELEVATION



BLOCK PLAN 1:200



STREET SCENE 1:100



SITE SECTION 1:200

Rev A: Site section and sheet cover added, 20/11/20

R A HALL
Architectural Services
Lancaster House
North Road
Chalfont St Giles HP8 9YU
07906 127296

Mr & Mrs Rosella

Proposed New Dwelling

46 Polwell Lane
Barton Seagrave
Kettering

1:100 & 1:200 @ A1

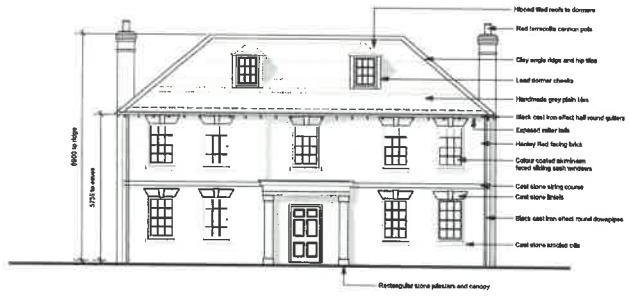
November 2020

Planning

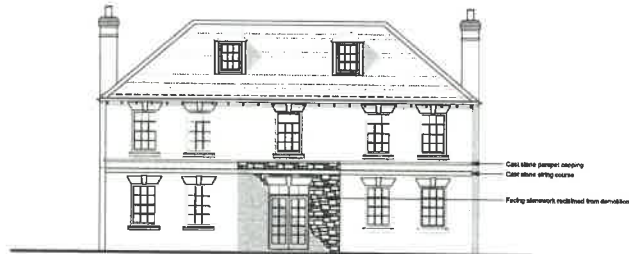
Proposed Elevations & Site Layout

PLK-2100 A

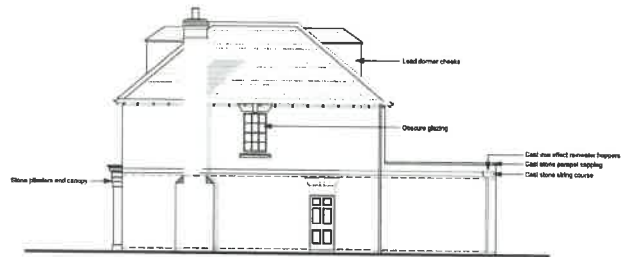
64/2
Page 165



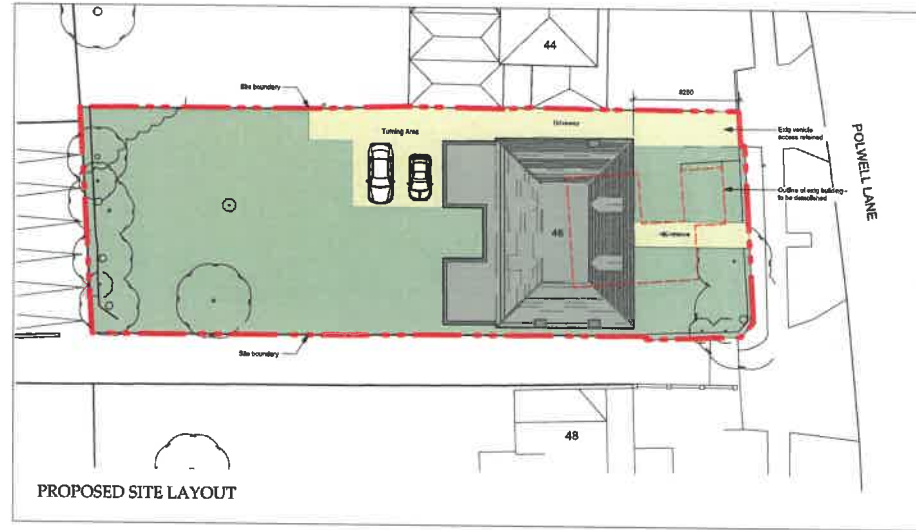
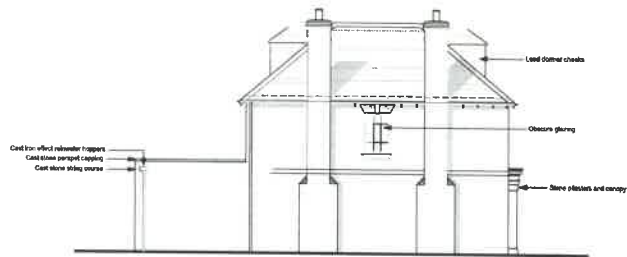
SOUTH WEST ELEVATION



SOUTH EAST ELEVATION



NORTH WEST ELEVATION



PROPOSED SITE LAYOUT

MATERIALS PALETTE



CAST IRON CAST HALF ROUNDED GUTTERS ON RAFTER BRACKETS, BEYOND DOWNPIPES, RECTANGULAR HOPPERS



GRAY HAND MADE CLAY PLAIN ROOFING TILES



CAST STONE LINTELS WITH KEY STONES - KEYSTONE DESIGN TO BE COORDINATED



CAST STONE RECYCLED CILLS



CAST STONE STRING COURSE



ALUMINIUM FACED SLIDING SASH WINDOWS



MULTI-COLOURED HENLEY RED HANDMADE FACING BRICKS



BRICK DETAIL AT CHIMNEY SHOULDER

Do not scale from this drawing, use dimensions only

R A HALL
Architectural Services
Lanema House
North Road
Cockfosters TW20 9PT
0798 1 1274

Client: **Mr & Mrs Rosella**

Project: **Proposed New Dwelling**

Site Address: **48 Polwell Lane
Barton Segrave
Kettering**

Scale: **1:100 & 1:200 @ A1**

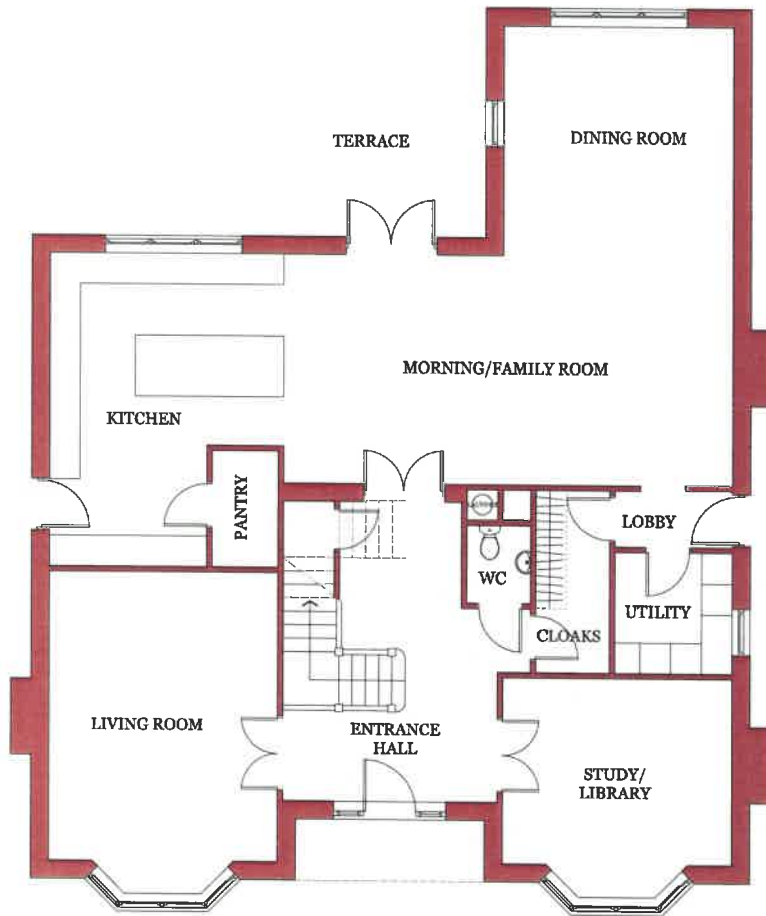
Date: **August 2020**

Discipline: **Planning**

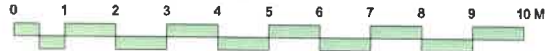
Project Name: **Proposed Elevations & Site Layout**

Drawing No: **PLK-2002**

PREVIOUS SCHEME WITHDRAWN KET/2020/0603



GROUND FLOOR PLAN



FIRST FLOOR PLAN

R A HALL Architectural Services Lorraine House North Road Guthrie Park Guthrie Park Guthrie Park	
Client Mr & Mrs Rosella	
Project Proposed New Dwelling	
Site Address 46 Polwell Lane Barton Seagrave Kettering	
Scale 1:50 @ A1	
Date November 2020	
Discipline Planning	
Drawing Title Proposed Floor Plans	
Drawing No. PLK-2101	

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/02/2021	Item No: 5.5
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2020/0868
Wards Affected	William Knibb	
Location	Chesham House, 53 Lower Street, Kettering	
Proposal	Application for Listed Building Consent: Replace specified windows, repairs to specified windows, render, stone plinths, flashing and front door joinery, redecorate external wall surfaces, refurbish signboard	
Applicant	Mr D Smith, 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 works to which this consent relate shall be begun before the expiration of 3 years from the date of this consent.

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

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

REASON: In the interest of securing an appropriate form of development in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

3. Replacement and repaired window frames shall be timber with a final painted finish, to match the existing, applied by hand when the frames have been installed on site and shall remain in that state thereafter and any other repair works shall be carried out in matching materials and shall remain in that form thereafter.

REASON: In the interests of protecting the significance of the Listed Building in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2020/0868

This application is reported for Committee decision because the applicant is Kettering Borough Council

3.0 Information

Relevant Planning History

None

Site Description

The site consists of a Grade II Listed Building toward the northern extent of the Town Centre at the highway entrance junction with Morrison's Supermarket. Listings description:

Later C18 stucco fronted house with Welsh slated roof. 3 storeys, stone cornice moulding, stone coped side elevation gables. 3 sash windows with glazing bars and keystones, modern ground floor bay window. 4 panelled door in surround with engaged columns, entablatures with swags and urns to frieze, open pediment above rectangular traceried fanlight. Home of John Cooper Gotch, founder of Kettering shoe industry (died 1852).

Proposed Development

Seeks Listed Building Consent to replace specified windows, repairs to specified windows, render, stone plinths, flashing and front door joinery, redecorate external wall surfaces, refurbish signboard.

Any Constraints Affecting the Site

Grade II Listed Building

Setting of Grade II* Listed Building (Carey House) to the east

4.0 Consultation and Customer Impact

Historic England: Say that they 'do not wish to offer comments'

NCC – Archaeology: Say 'no comments'

5.0 Planning Policy

National Planning Policy Framework: (NPPF)

2. Achieving sustainable development

16. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

Policy 2 – Historic Environment

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 issue for consideration in this application is the impact of the proposal on the significance of heritage assets. Policy 2 of the JCS consistent with chapter 16 of the NPPF seeks to sustain and enhance the significance of such assets.

As the proposal involves works that may affect the significance of the host Grade II Listed Building and the setting of the nearby Grade II* Listed Carey House the proposal falls to be considered under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed works involve replacing or otherwise repairing some deteriorating timber window frames to be finished and painted (white) in the same manner as the existing and to a matching design. Also proposed is general care and repair work to external walls and front door joinery and refurbishment of a signboard.

The quality of the finish would match the general external appearance of the existing and halt continued deterioration, and once installed would not be a discernible change from those currently in place. A safeguarding condition shall be attached requiring the replacements or repair work to be carried out in matching materials and finish and with a final hand painted finish applied once installed.

Thereby the proposal would sustain and enhance the significance of the asset and as such there is no requirement to prove public benefit in a weighing exercise.

Conclusion

Considering, the above the proposal is considered to comply with the development plan and accord with the NPPF and with no other material consideration that would sustain a reason for refusal the application recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316

BOROUGH OF KETTERING

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Relevant Planning History

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Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:



Title: Chesham House

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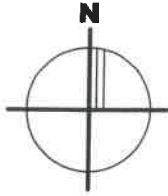
Kettering
Borough Council

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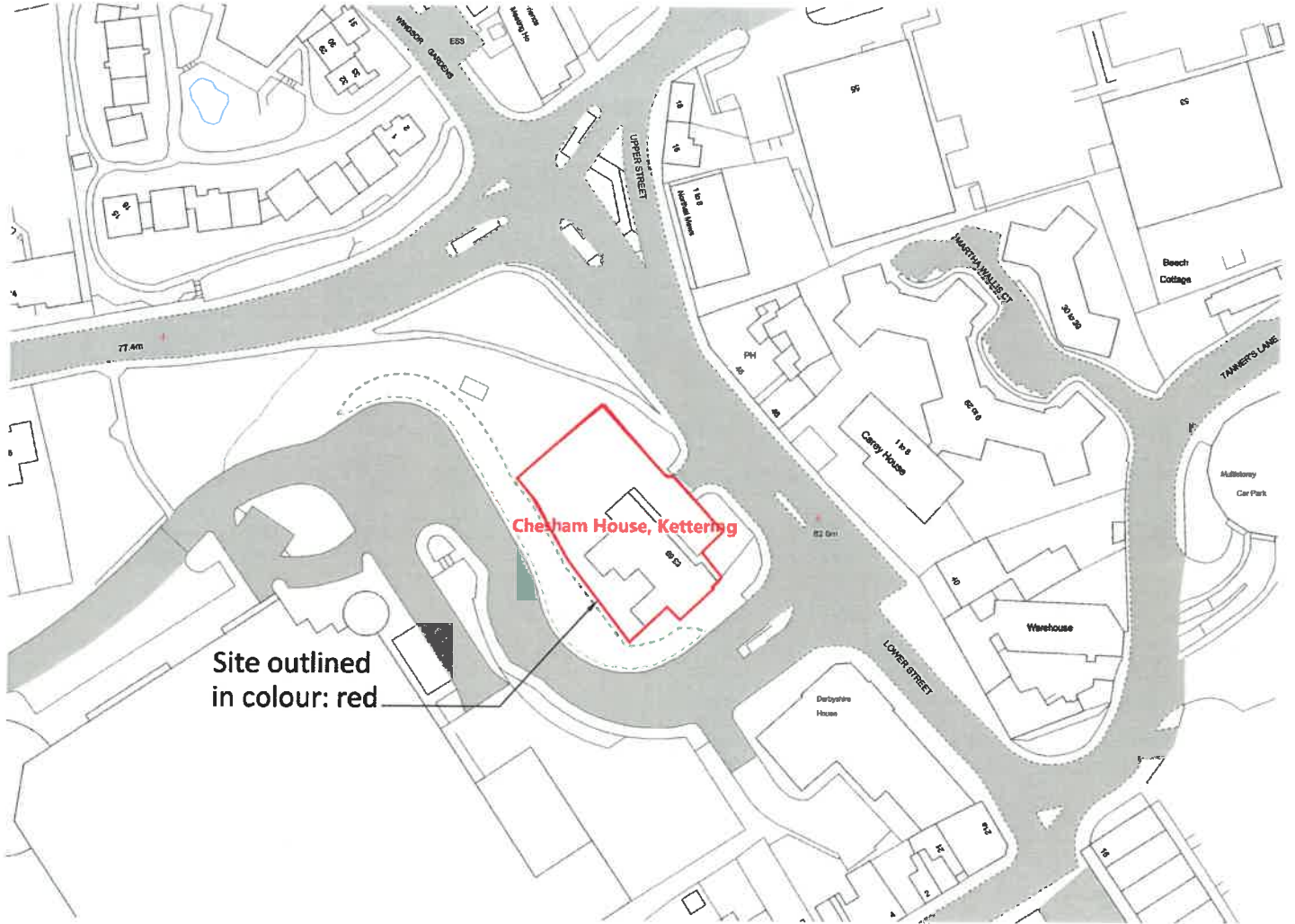
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Map Data Copyright 2013 Google.



Site outlined in colour: red

Chesham House, Kettering

Drawing Title:

Site Location Plan

File Number: K075C

Drawn By: JPW

Checked By: WFA

Scale@A4: 1:1250 **Date:** 01/12/20

Dwg No: S06 **Rev:**

gssarchitecture

35 HEADLANDS, KETTERING, NORTHANTS, NN15 7ES
 Telephone: 01536 513 165, Fax: 01536 410 226
 Email: gss@gotch.co.uk, Web: www.gssarchitecture.com

Gloucester: 01452 525 019, Harrogate: 01423 815 121

Rev. Date Drawn Checked Description

/ / JPW WFA /

Project Title:

LBC Application,
 Chesham House,
 Kettering

Client:

Kettering Borough Council



Schedule of works

- Window BF01 Replace complete. Decorate.
- Window BF02 Replace complete. Decorate.
- Window BF03 Minor repair. Redecorate.
- Window BF04 Redecorate.
- Window BF05 Redecorate.
- Window BF06 Redecorate.

- Window BR01 Redecorate.
- Window BR02 Redecorate.
- Window BF06 Redecorate.

- Window SM01 Redecorate.

- Window MF01 Redecorate.
- Window MF02 Redecorate.
- Window MF03 Redecorate.
- Window MF04 Redecorate.
- Window MF05 Redecorate.
- Window MF06 Redecorate.

- Window MR05 Redecorate.

- Window MS01 Redecorate.

- Window TF01 Redecorate.
- Window TF02 Redecorate.
- Window TF03 Redecorate.
- Window TF04 Redecorate.
- Window TF05 Replace complete. Decorate.
- Window TF06 Redecorate.

- Window TR03 Replace complete. Decorate

- Window ST02 Redecorate

Do not scale from this drawing for construction or acquisition purposes. Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information must be taken from figured dimensions only. All dimensions and levels must be checked on-site and any discrepancies between drawings and specification must be reported to GSSArchitecture

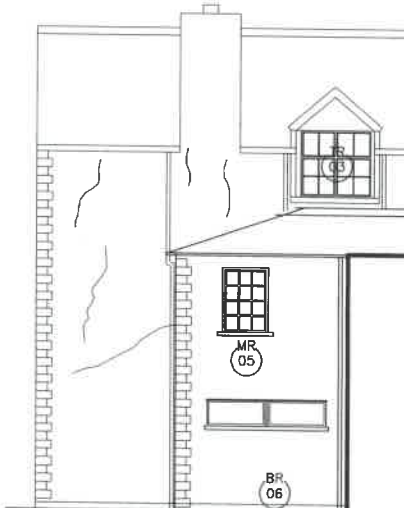
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Rev.	Date	Drawn	Checked	Description
A	15/12/20	JPW	JPW	Revision to items identified in to BEC Planning letter, dated 15/12/20

68c
1. PROPOSED NORTHEAST (FRONT) ELEVATION
 1:100@A3



2. PROPOSED SOUTHEAST (SIDE) ELEVATION
 1:100@A3



3. PROPOSED SE (C'YARD) ELEVATION
 1:100@A3

Render repairs as necessary. Prepare and paint entire (new and old) render with vapour permeable paint.

Key:

Minor repair: Rotten elements to be scraped out and replaced with treated timber, spliced in to same profile, secure with proprietary wood glue/resin. Re-putty panes where disturbed.

Replace complete: carefully remove existing timber window completely, salvage ironmongery. take detailed survey of all dimensions, profiles, layout, etc. fabricate replacement to exactly and install. Re-install salvaged ironmongery. Make good all finishes where disturbed to match existing.

Replace casement: carefully remove existing timber casement completely, salvage ironmongery. take detailed survey of all dimensions, profiles, layout, etc. fabricate replacement to exactly and install. prime an paint to same colour/specification. Re-install salvaged ironmongery. Make good all finishes where disturbed to match existing.

Redecorate (windows): Carefully rub down entire window, prepare, apply 1No. coat undercoat and 2No. finishing coats of trade exterior Gloss, colour white.

Decorate (windows): Prepare, apply 1No. coat undercoat and 2No. finishing coats of trade exterior Gloss, colour white.

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 REC CHK dd/mm/yy

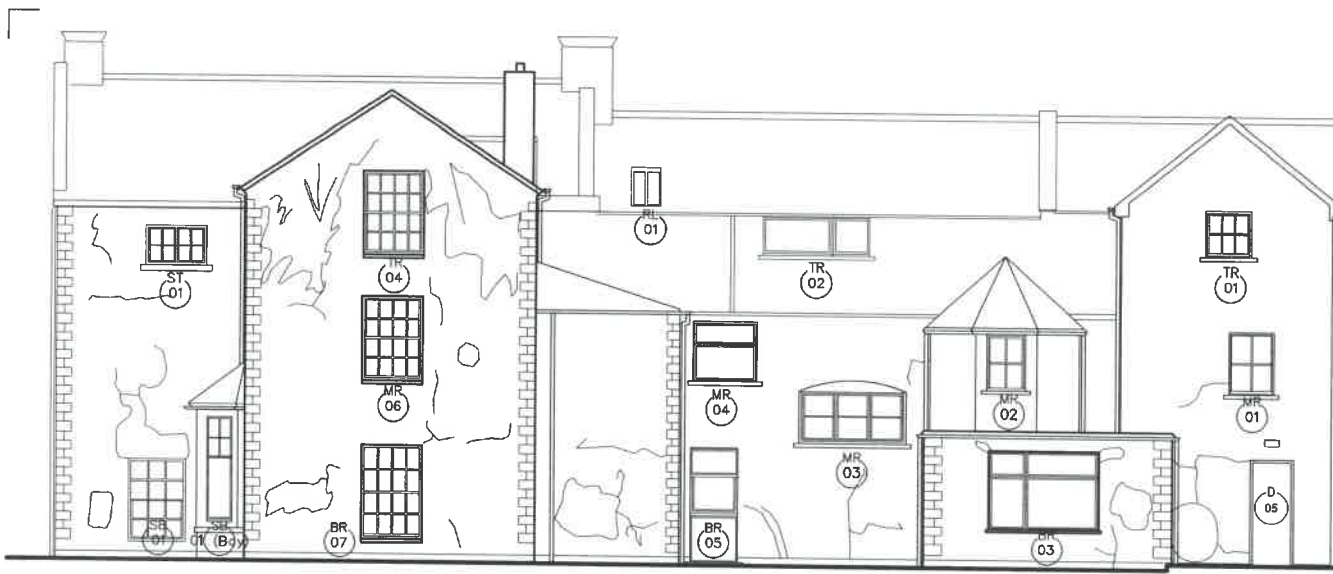
PRELIMINARY ISSUE

Project Title:
 Listed Building Consent Application,
 Facade Improvements,
 Chesham house

Client:
 Kettering Borough Council

Drawing Title:
 Proposed Northeast, Southeast
 and Southeast (Courtyard)
 Elevations. Schedule of works.

File Number: K075c
Drawn By: AMB
Checked By: JPW
Scale@A3: 1:100 **Date:** 30/11/20
Dwg No: SK04 **Rev:** A



Schedule of works

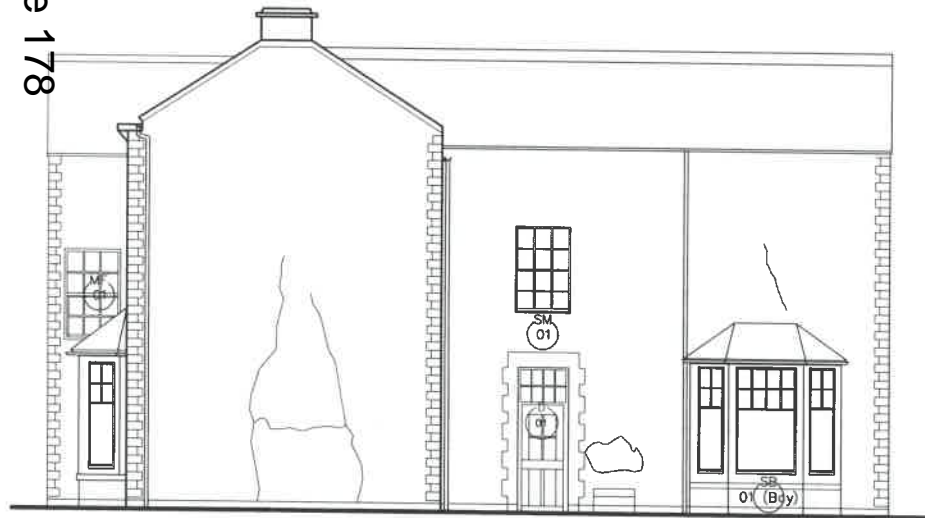
Window BR01	Redecorate.
Window BR02	Redecorate.
Window BR03	Redecorate.
Window BR04	Redecorate.
Window BR05	Redecorate.
Window BR06	Redecorate.
Window BR07	Redecorate.
Window SB01	Redecorate.
Window SB01 (Bay)	Redecorate.
Window SM01	Redecorate.
Window MR01	Replace complete. Redecorate.
Window MR02	Replace complete. Redecorate.
Window MR03	Replace complete. Redecorate.
Window MR04	Replace complete. Redecorate.
Window MR05	Redecorate.
Window MR06	Replace complete. Redecorate.
Window MS01	Redecorate.
Window TR01	Redecorate.
Window TR02	Redecorate.
Window TR03	Replace complete. Decorate
Window TR04	Redecorate.
Window ST01	Replace casement. Decorate
Roof Light D1	No works

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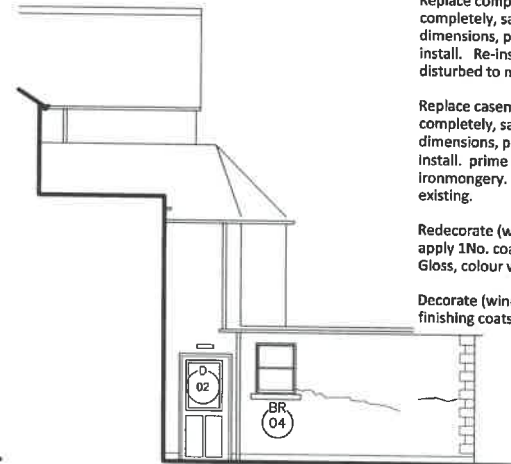
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Revision to Items Identified in to IBC Planning letter, dated 15/12/20	
A	15/12/20 JPW JPW
Rev. Date	Drawn Checked Description

68d
Page 178
1. PROPOSED SOUTHWEST (REAR) ELEVATION
1:100@A3



2. PROPOSED NORTHWEST (SIDE) ELEVATION
1:100@A3



3. PROPOSED NW (REAR C'YARD) ELEV.
1:100@A3

Render repairs as necessary. Prepare and paint entire (new and old) render with vapour permeable paint.

Key:

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RJC/CHK
dd/mm/yy
PRELIMINARY ISSUE

Project Title:
Listed Building Consent Application,
Facade improvements,
Chesham house

Client:
Kettering Borough Council

Drawing Title:
Proposed SW, NE and NE
(Courtyard) Elevations.
Schedule of works.

File Number: K075c
Drawn By: AMB

Checked By: JPW

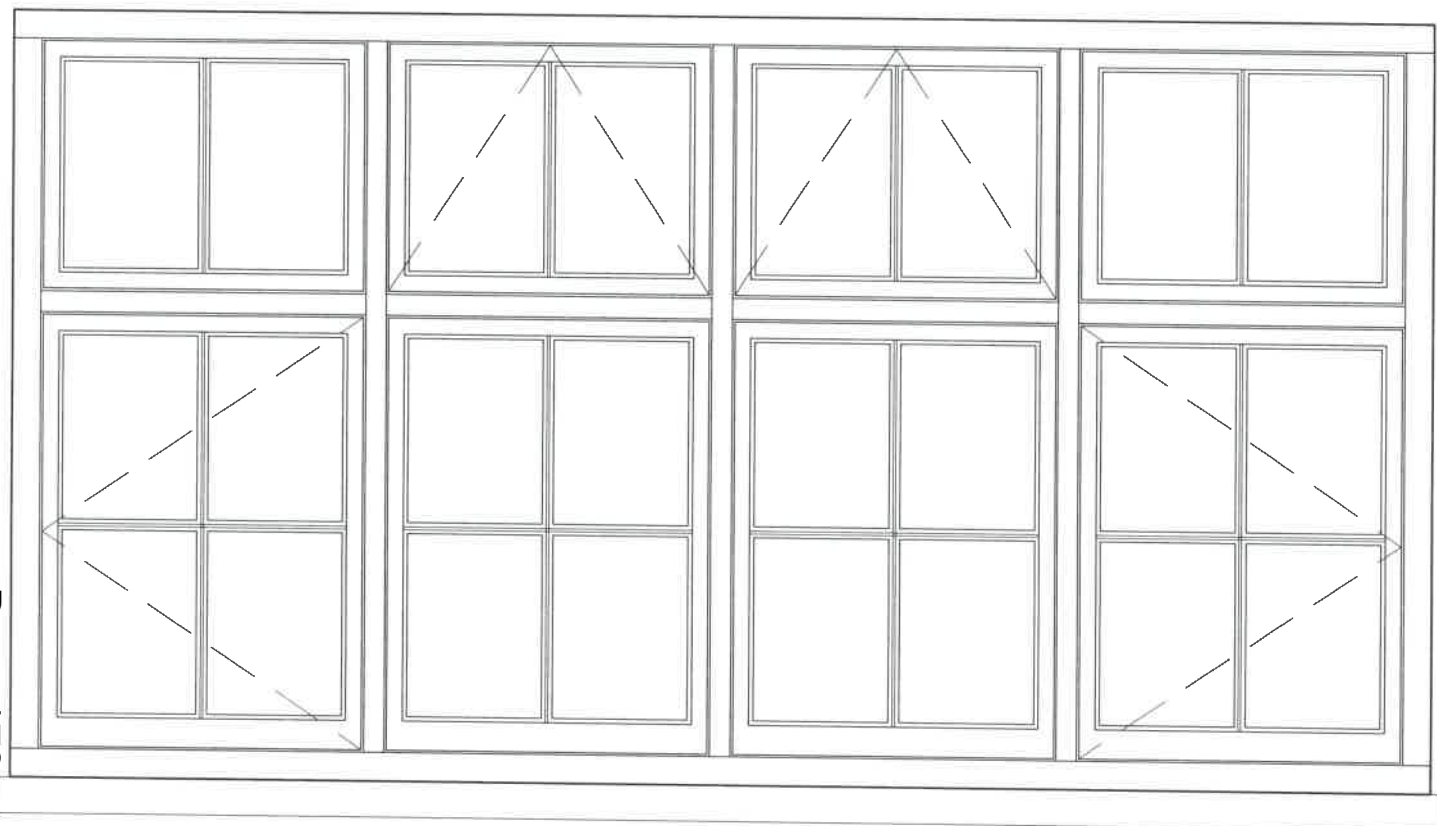
Scale@A3: 1:100 **Date:** 30/11/20

Dwg No: SK05 **Rev:** A

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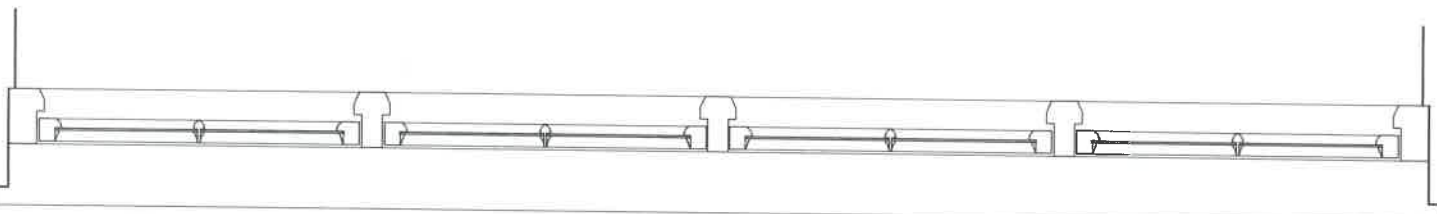
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68a Page 179



2. PROPOSED ELEVATION:
 1:10@A3

3. PROPOSED SECTION
 1:10@A3



1. PROPOSED PLAN:
 1:10@A3

WINDOW: BF01
 Entire window replaced on a like-for-like basis (timber frame, clear single pane glass). All primed and painted, colour: white (to best, match existing).

Rev.	Date	Drawn	Checked	Description
1				

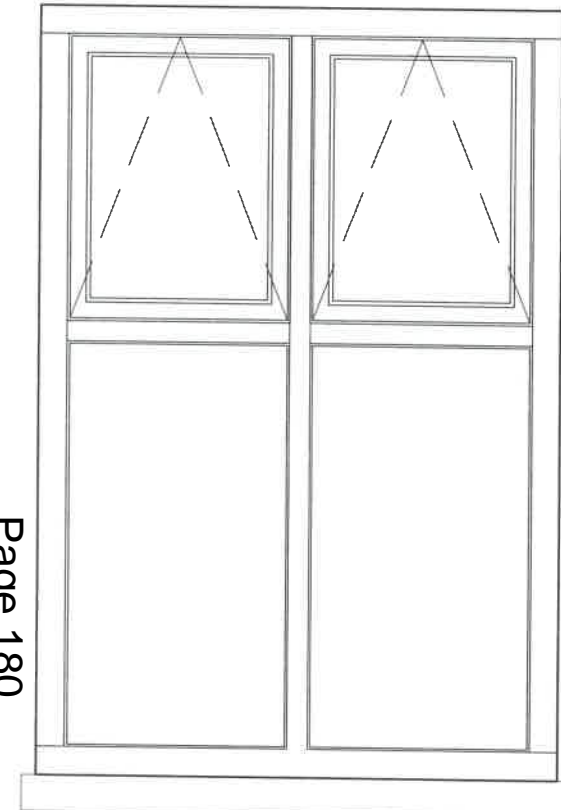
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 REC CHK dcl/mrm/yy

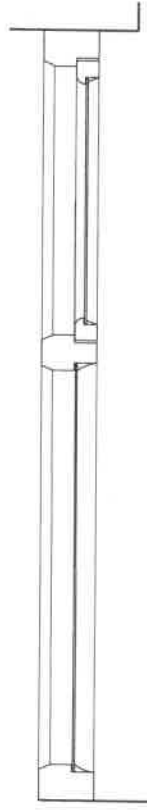
PRELIMINARY ISSUE
Project Title:
 Listed Building Consent Application,
 Facade Improvements,
 Chesham house

Client:
 Kettering Borough Council

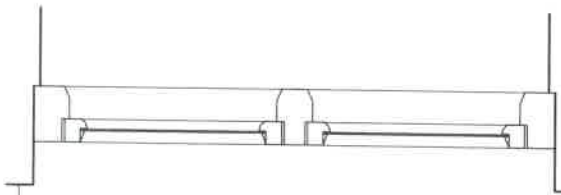
Drawing Title:
 Proposed Plans, Sections &
 Elevations:
 Window: BF01
File Number: K075c
Drawn By: JPW
Checked By: JPW
Scale@A3: 1:10 **Date:** 15/12/20
Dwg No: SK07 **Rev:**



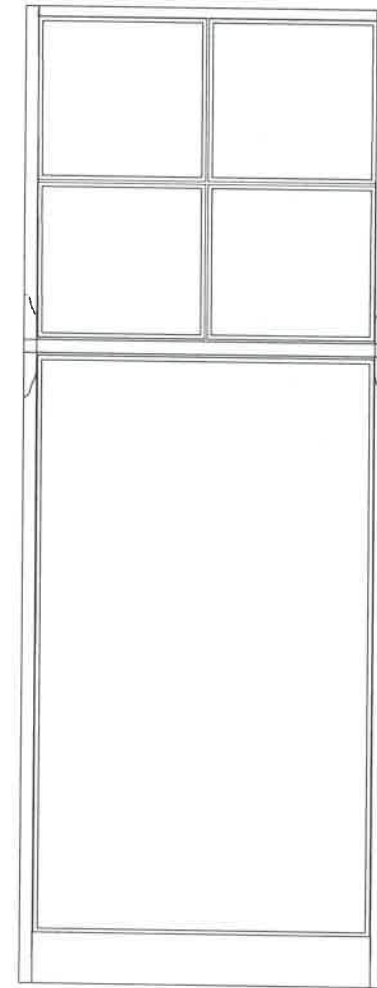
2. PROPOSED ELEVATION:
1:10@A3



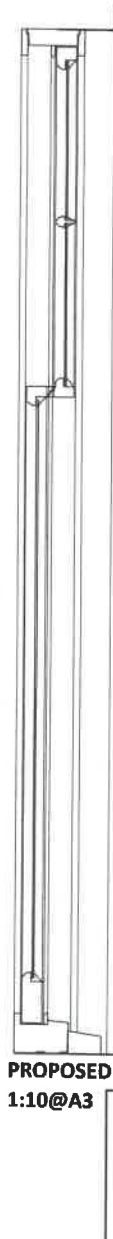
3. PROPOSED SECTION
1:10@A3



1. PROPOSED PLAN:
1:10@A3



5. PROPOSED ELEVATION:
1:10@A3



6. PROPOSED SECTION
1:10@A3



4. PROPOSED PLAN:
1:10@A3

WINDOW: BF02
Entire window replaced on a like-for-like basis (timber frame, clear single pane glass). All primed and painted, colour: white (to best, match existing).

WINDOW: SB01
LHS Replace bottom sash (only), RHS replace top and bottom sash. All on a like-for-like basis (timber frame, clear single pane glass). All primed and painted, colour: white (to best, match existing).

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Rev.	Date	Drawn	Checked	Description
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PRELIMINARY ISSUE

Project Title:
Listed Building Consent Application,
Facade improvements,
Chesham house

Client:
Kettering Borough Council

Drawing Title:
Proposed Plans, Sections &
Elevations:
Windows: BF02 and SB01

File Number: K075c

Drawn By: JPW

Checked By: JPW

Scale@A3: 1:10 **Date:** 15/12/20

Dwg No: SK08 **Rev:**



Existing front (east) elevation. Source: Google Maps

This site is in a prominent town centre location, opposite a public house and backing onto a large supermarket. The site's current usages are: offices space for SMEs and start ups, virtual office space, business support, 24/7 security and a car park.

The appearance of the existing building is of various elements/massing, over an irregular footprint of several rectangular projections, some of which are single storey, the main trunk of the building being three storey, where the higher roofs are pitched and the lower is flat. The building is uniformed with a render wall finish (except south facing gable, which is exposed stone). The existing doors and windows are all primed and painted timber, of various styles and ages. There are 2 no. bay window features.

The context of the proposal is the awareness that heat loss, through the external envelope of buildings is a contributor to global warming and buildings require general ongoing maintenance and upkeep to preserve their longevity.

Some aspects of the external fabric have failed in certain locations, presenting a risk that rainwater may penetrate and this, together with the use of existing single glazed windows, has caused the Applicant to reconsider the external elements of this building. Improvements to certain aspects of the fabric and replacement of rotten single glazed windows (with new double glazing) will improve the thermal envelope and preserve the building into the future.

This application includes the specialist cleaning and upkeep of the existing large painted timber written plaque to the existing front (east) elevation, in a bid to preserve this important feature.



Existing plaque between first floor windows, on existing front (east) elevation

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