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**North
Northamptonshire
Council**

Meeting: Area Planning Committee Kettering
Date: Thursday 29th July, 2021
Time: 7.00 pm
Venue: Council Chamber, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

To members of the Area Planning Committee Kettering

Councillors Mark Rowley (Chair), Cedwien Brown (Vice-Chair), Carter, Dell, Marks, Prentice, Smyth and Thurland

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	Adele Wylie, Monitoring Officer North Northamptonshire Council		
			
	Proper Officer 19th July 2021		

*The reports on this agenda include summaries of representations that have been received in response to consultation under the Planning Acts and in accordance with the provisions in the Town and Country Planning (Development Management Procedure) Order 2015.

This agenda has been published by Democratic Services.

Committee Administrator: Callum Galluzzo

☎01536 534268

✉democracy.kbc@northnorthants.gov.uk

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Members of the Public Agenda Statements	Requests to address the committee must be received by 12 Noon on the day before the meeting. Speakers will be limited to speak for 3 minutes.	12 Noon 28 th July 2021
Member Agenda Statements	A request from a Ward Councillor must be received by 12 Noon on the day before the meeting. The Member will be limited to speak for 5 minutes.	12 Noon 28 th July 2021

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NORTH NORTHAMPTONSHIRE COUNCIL

AREA PLANNING COMMITTEE (KETTERING)

Meeting held: 24th June 2021

Present:

Councillor Mark Rowley (Chair)
Councillors Cedwien Brown (Vice Chair), Robin Carter, Dez Dell, Paul Marks, Elliott Prentice, Kevin Thurland and Joseph Smyth

21.APCK.01 APOLOGIES

Apologies for the absence were received from Councillors Tebbutt and Dearing.

It was noted that Councillor Smyth was acting as a substitute for Councillor Tebbutt.

21.APCK.02 DECLARATIONS OF INTEREST

None

21.APCK.03 PLANNING APPLICATION REPORTS

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

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

<u>Proposed Development</u>	<u>Decision</u>
<p>*3.1 Full Planning Permission: Retention of mail order business from home workshop, including use of the workshop for light engineering operations associated with the sale of bird related equipment. (KET/2018/0937) at 4 Richardsons Lane, Loddington for Mr J Westwood</p> <p>Application No: NK/2021/0034</p> <p><u>Speakers:</u></p> <p>Cllr Jim Hakewill attended the meeting and addressed the committee as the ward councillor for the proposed development stating that application should be refused as the original development was established retrospectively without consent. Cllr Hakewill also stated that the business on site had a detrimental impact on residential amenity and that the development was not in keeping with the residential nature of neighbouring properties.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the retention of the current use of a the site as a home workshop for a mail order business, including use of the workshop for light engineering operations associated with the sale of bird related equipment.</p> <p>It was confirmed to members that the current use at the site had been granted a temporary two-year conditional planning approval under reference KET/2018/0937, to see if there would have been any impacts on residential amenity, and that this application sought to replace this with a permanent planning permission.</p> <p>Members sought clarification regarding the nature of the business and the prospect of the site being used to breed birds. Members also raised questions in relation to enforcement action and complaints.</p> <p>It was confirmed to members that the business was a mail order business and that the breeding of birds was outside of the planning application. It was also confirmed that there had been no complaints to enforcement officers.</p> <p>Following debate it was proposed by Councillor Smyth and seconded by Councillor Prentice 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. Within six months from the date of this approval a detailed scheme for gates and boundary treatments in front of the workshop building, located as shown on previously approved plan KET/2018/0937/2A on 13th March 2019 shall be submitted to the Local Planning Authority and approved in writing. The approved gates and boundary treatment are to be installed within two months of their approval and once installed shall be retained in that form thereafter.
2. The landscaping scheme shown on approved plan NK/2021/0034/2, received by the Local Planning Authority on 22nd March 2021 (as previously approved under reference KET/2019/0837 on 31st May 2019), shall be completed within six months

from the date of this permission. Any newly approved trees or plants which, within a period of 3 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.

3. Visibility splays of 2.4 metres by 2.4 metres are to be retained either side of the access with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 1 metre in height above carriageway level.
4. The mail order business use and its associated light industrial operations hereby approved taking place at the site shall enure for the benefit of the Applicant (Mr J Westwood) only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Mr J Westwood ceases to occupy the premises where at which point the workshop building and the site as a whole shall have residential use only.
5. The workshop building, hereby approved shall only be used for business purposes associated with the mail order sale and manufacture of 'Falconry' equipment and for no other purpose whatsoever. For clarification this does not include the sale of birds.
6. The operation of any machinery associated with the business shall not take place anywhere on the application site except within the workshop building shown on the approved plans.
7. No equipment, materials, products, parts, containers, waste or any other articles associated with the business shall be stacked or stored on the site at any time except within the workshop building.
8. No plant or machinery shall be operated at the site (including within the workshop), except between the hours of 10:00-16:00 Mondays to Fridays and between the months of October and February (inclusive) only. There shall be no operation of plant or machinery at the site, on Saturdays, Sundays or recognised public holidays or between the months of March to September (inclusive). No customers shall be permitted to visit the site.

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

(Voting: For: Unanimous)

The application was therefore
APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*3.2 Full Planning Permission: Erection of 1 no. dwelling and conversion of workshop/dwelling to form 3 no. dwellings at 22 Cransley Hill Broughton for Mr T James.</p> <p>Application No: NK/2021/0184</p> <p><u>Speaker:</u></p> <p>Jamie Sams attended the meeting and addressed the committee as a third party in favour of the proposed development. Mr Sams stated that he along with several other neighbouring properties were fully supportive of the development and that it would be a respectful and considerate addition to the village and greatly improve local traffic, pollution and noise pollution issues.</p> <p>Carol Taylor attended the meeting and addressed the committee as a third-party objector to the proposed development and stated that the proposed development was in contradiction to the Broughton Neighbourhood plan due to there being a shortage of 1-2 bedroom homes. Carol Taylor also stated that a nature conservation survey was essential to sure that no wildlife or vegetation was affected by the development.</p> <p>Tim James also attended the meeting and addressed the committee as the applicant for the proposed development stating that the current business site was not desirable for a modern business and so a new location was required. Mr James stated that the appearance of existing properties would be unaltered and that the proposed dwellings would have a minimal impact on neighbouring properties. Intention was to retain trees and hedging.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the erection of 1 no. dwelling to the rear of the site and conversion of the workshop/dwelling to form 3 no. dwellings</p> <p>Members agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>Following debate it was proposed by Councillor Brown and seconded by Councillor Carter 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. 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.
4. 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 adjoining buildings are first occupied.
5. 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.
6. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.
7. Prior to the commencement of any part of the development hereby permitted, a Construction and Traffic Management Plan must be submitted to and approved by the Local Planning Authority. The Construction and Traffic Management Plan must include and specify the provision to be made for the following:
Directional signage (on and off site).
A map, suitably scaled, to be printed and given to drivers detailing the routes to be used to access the site from the wider highway network.
Details of measures to prevent mud, dust and other such material migrating onto the highway from construction vehicles.
The location and type of wheel washing facilities.
The Construction and Traffic Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.
8. 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.
9. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an

investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

10. No development shall take place on site until the access, [including the footway and/or verge crossing], has been constructed and lines of sight of 2m by 2m provided in accordance with the approved details. The sight lines shall thereafter be permanently retained and kept free of obstacles.
11. The parking spaces hereby approved shall be provided prior to the first occupation of the buildings hereby permitted and shall be permanently retained and kept available for the parking of vehicles.
12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of the Order shall be [erected] [constructed] [made] on the application site.
13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the rear elevation or roof plane of House 4.
14. The window at first floor level on the rear elevation of house 4 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 window shall thereafter be maintained in that form.
15. No development above slab level shall take place on site until details of a refuse collection point for House 4 has been submitted to and approved in writing by the Local Planning Authority. The approved refuse collection point shall be provided before the occupation of any of the dwellings affected and retained as approved thereafter.
16. Prior to first occupation of the development [dwellings] a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
17. Development shall not commence until a drainage strategy including on and off-site works 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 strategy, and the building shall not be occupied or the use

commence, whichever is the sooner, until the approved strategy has been fully implemented.

18. No development shall take place until a scheme and timetable detailing the provision of fire hydrants (where required), sprinkler systems and their associated infrastructure for House 4 has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

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

(Voting: Unanimous)

The application was therefore
APPROVED

21.APCK.04 DELEGATED OFFICERS REPORT

None

21.APCK.05 EXEMPT ITEMS

None

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

(The meeting started at 7.00 pm and ended at 7.32pm)

Signed.....

Chair

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North Northamptonshire Area Planning (Kettering) Committee 29/07/2021

Application Reference	KET/2020/0610
Case Officer	Mark Coleman
Location	Loddington Coppice, Harrington Road, Loddington
Development	Full Planning Permission: Redevelopment of farmyard to horse rehabilitation centre and livery. Erection of temporary dwelling
Applicant	Miss S Tibbetts
Agent	Mr J Weekes Aitchison Raffety
Ward	Slade
Overall Expiry Date	16/11/2020
Agreed Extension of Time	30/07/2021

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections raised by Loddington Parish Council.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission: Redevelopment of farmyard to horse rehabilitation centre and livery. Erection of temporary dwelling
- 2.2 Planning permission is sought for use of the land from farmyard to horse rehabilitation centre and livery and erection of a temporary dwelling. All structures are single storey in height; an existing timber pole barn is oversized which is to be

refurbished and re-purposed as part of the wider proposed use. The existing access track and access connection with the highway will be widened where specified and upgraded as part of the proposed development to facilitate the proposed use.

3. Site Description

- 3.1 The site is located approximately 2km west of Loddington village within open countryside. A long private dirt track (with chippings in parts) leads from Harrington Road (unclassified road) to the site through an area designated as a Northamptonshire Wildlife Trust Potential Wildlife Site which falls within blue line land (land under common ownership). A pond is present within close proximity of the access track which falls within land under common ownership. Approximately 50% of the application site is grassland within part of a wider area of pasture land which falls within common ownership (identified by a blue line).
- 3.2 Within the site are a number of small, dilapidated timber buildings, a timber pole barn, and old prefabricated building and a row of stables indicating the former use of the site which previously formed part of a larger agricultural unit which has since been severed and remains to the south approximately 150 metres away.
- 3.3 The site itself is enclosed to the south and west by an established tree/hedge line which is only punctuated to the south by a historic access to the adjacent farm buildings. The northern and eastern boundaries remain open to pasture which forms part of the wider holding; part of the wider holding is enclosed by tree / hedge line which separates the land from Harrington Road. Centrally located on the adjacent land within common ownership is an intervening tree belt, and pond (previously referred to).

4. Relevant Planning History

- 4.1 KET/2018/0817 - change of use of agricultural building to 1 no. dwelling including associated building operations (under Class Q(b) only) (REFUSED, 23.11.2018; APPEAL DISMISSED 04.07.2019)
- KET/2017/0179 - Conversion of agricultural building to 1 no. dwelling house (under Class Q(b) only) (REFUSED 21.04.2017; APPEAL DISMISSED 08.11.2017)
- KET/2016/0691 - Conversion of agricultural building to 1 no. dwelling house (under Class Q (a) only) (APPROVED 14.11.2016)
- KET/2016/0447 – Notification for prior approval - Conversion of agricultural building to 1 no. dwelling house (under Class Q (a) only) (PRIOR APPROVAL REQUIRED AND GRANTED – 20.10.2016)

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at: <https://www.kettering.gov.uk/planningApplication/search>

5.1 Loddington Parish Council

Comment of objection received on 13th October 2021 reporting serious concerns with regards to the safety of the proposed access for this application which is situated after a blind bend in the road, restricting the view of those exiting site and hiding the gateway from traffic travelling in the direction of Loddington Road. The road itself is narrow, making manoeuvring large equestrian vehicles and trailers into and out of this access difficult. Siting the gates 7m in from the road is not an adequate amount of space to get a vehicle and trailer or horse lorry off the highway whilst they seek access to site. The location and situation of the gateway combined with the type of vehicles and increased movements both from the proposed business and the dwelling lead us to believe that this is not a suitable access for this proposal and is dangerous.

Loddington Parish council have concerns as the ecology report sites the presence of great crested newts in the ponds on site and are concerned that the creation of this driveway will compromise the habitat of this endangered species. Also the daily use of the driveway may impact the suitability of the habitat going forwards. Loddington Parish Council also notes that the application states there is no drainage on site at present. We would like this to be specified to ensure preservation and protection of water course and surrounding environment and ensure that the Great Crested Newt's environment is not compromised by any drainage proposal.

Following re-consultation further comment of objection was received on 22nd January 2021. The comments raise concerns in relation to the Great Crested Newt habitat, with respect of the driveway through the habitat and resultant traffic associated with the proposed use and water discharge into ponds. Drainage must be scrutinised to protect the Great Crested Newt Colony; concern remains regarding safety of the vehicular access due to limited visibility splays close to a bend on the road; concern is raised regarding siting of bins at the access gate as refuse vehicles would be forced to reverse out which would endanger highway safety; the Parish Council seek drainage details to be conditioned and address matters of ecological nature of the site.

Further comment was received on 13th April 2021. The comment states '*In the event that the proposed scheme is approved, Loddington Parish Council would request that the continued maintenance of the hedgerow along Harrington Road, adjacent to the proposed access to Loddington Coppice, is made a condition of any approval, ensuring that maximum visibility is preserved at all times.*'

5.2 Neighbours / Responses to Publicity

No comments received.

5.3 Local Highway Authority (LHA)

Comment received on 25th September 2020 stating that the application cannot be accepted for the following reasons:

- The LHA discourage the use of a shared access between residential and commercial uses; as the dwelling is temporary the LPA are to take a view;
- Access needs to measure 6m for the first 10m from the highway if it is to be used by agricultural/farm vehicles;

- Visibility splays measure 2.4m x 215m shown on the plan should be kept permanently free from obstruction above 0.9m;
- The access gates should be set back 15m from the highway boundary (not 7.3m) and open inwards;
- The access should be tarmac surfaced for the first 10m from the highway;
- A means of drainage across the back of the highway should drain within the site, so that no surface water run-off enters the highway;
- The proposed dwelling and commercial development exceeds a distance of 45m from the highway and should be referred to building inspector for approval. Northamptonshire Fire and Rescue require accesses of this length to measure 3.7m wide and capable of withstanding a 15 ton axle loading together with the necessary turning space for a fire appliance.
- The LPA are advised to take a view regarding servicing of the site for refuse/recycling. Gradient restrictions also apply.
- No private trees are permitted within 2.5m of the highway or within visibility splays unless narrow trunk variety.
- The temporary 3 bed dwelling has 2 parking spaces; the LPA is to take a view regarding whether a visitor space and cycle parking space to the required standards;
- Parking bay dimensions should meet those set out in the Northamptonshire Parking Standards (September 2016);
- The level of parking appears satisfactory, although the LPA are required to clarify the use class to ascertain the parking level requirements in line with the Northamptonshire Parking Standards (September 2016);
- If LGV/HGV parking relevant to the proposal they should meet prescribed standards for parking and un/loading bays (3.5m x 7.5m; 3.5m x 16m accordingly).

Following submission of amended plans the following comment was received from the Highway Authority on 27th October 2020. The LHA's comments as regards access and parking (sent in our prior response to the LPA – 25/09/2020) remain broadly the same with amendments based on the revised documents and cannot accept the application as additional information is required. Additional comment states (4) 'The access meets the public highway at 90 degrees for approximately 10m; (5) It is noted from the DAS and Visibility Splay, Access & Gate Plan (PL111-1), that the gates are proposed to be set back just over 7m from the public highway to allow vehicles to wait off the carriageway whilst opening/closing the gates. For agricultural/non-residential purposes, the gates require a set-back of 15m from the highway boundary. As a minimum, the set-back should comfortably be able to accommodate the largest vehicle likely to use the access such that it is doesn't obstruct the public highway whilst waiting. The gates are shown to open inward/away from the highway as is required; (7) For a minimum of the first 10m from the highway boundary, the gradient of the access should not be in excess of 1 in 15.

Following submission of amended plans a comment of no objection was received from the Highway Authority on 14th December 2021, subject to the following conditions:

Conditions: The LPA to take a view on the sharing of the access for residential and commercial purposes and the level of parking and vehicle manoeuvring provision within the site; that the passing place proposed on plan PL108C is sufficient; a construction management plan shall be submitted and approved by the Local Planning Authority.

5.4 Kettering Borough Council – Environmental Protection

Comment of no objection received on 21st October 2020, subject to planning condition XCL4. This planning condition states:

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.

Following re-consultation, a further comment of no comment was received on 18th December 2020.

5.5 Kettering Borough Council, Environmental Care – Drainage

Comment received on 3rd and 12th February 2021 raising no objection subject to evidence that drainage flows will be stored due to an increase in surface water run-off and adequate foul and surface water drainage being installed and maintained.

5.6 Northamptonshire County Council - Biodiversity

Comment received on 25th January 2021 and 2nd February 2021 raising no objections subject to drainage being controlled by way of planning condition, ensuring that surface water is not discharging into existing ponds (a new pond would enhance biodiversity opportunities). In addition, comment states that there is unlikely to be concerns over the proposed access track, subject to the surfacing just being upgraded with gravel where required (which would not be a barrier to newts). The application establishes that a Great Crested Newt population has not been carried out which will require license. A BS4 2020 condition is therefore recommended which requires either a Natural England licence authorising the specified development/activity or; written confirmation that the site has been registered with the great crested newt low impact class license scheme or provision of a written statement from a suitably qualified ecologist that they do not consider the specified development/activity does not require a licence. T12 will require soft felling in sections and lowered under ecological supervision and retained on site for biodiversity benefits (unless a biosecurity risk) and secured by planning condition. Artificial lighting conditions will require conditioning for the benefit of foraging/commuting bats, together with a requirement for a suite of nest boxes and other enhancements (e.g. wood piles, hibernacula, etc).

Following receipt of a 'Great Crested Newts Presence/Likely Absence Survey' informal consultation confirmed the same recommended conditions be applied.

- 5.7 Kettering Borough Council – Environmental Care
No comments received.

6. Relevant Planning Policies and Considerations

- 6.1 Statutory Duty
Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 National Policy
National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)
- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 3 : Landscape Character
Policy 4 : Biodiversity and Geodiversity
Policy 5 : Water Environment, Resources and Flood risk Management
Policy 8 : North Northamptonshire Place Shaping Principles
Policy 9 : Sustainable Buildings
Policy 11 : The Network or Urban and Rural Areas
Policy 13 : Rural Exceptions
Policy 19 : The Delivery of Green Infrastructure
Policy 25 : Rural Economic Development and Diversification
Policy 29: Distribution of New Homes
- 6.4 Local Plan for Kettering Borough (1995)
Policy 7 : Environment – Protection of Open Countryside
Policy 49: Housing – Temporary Dwellings
Policy RA5 : Rural Area: Housing Within Open Countryside
Policy RA14 : Rural Areas – Re-use and Conversion of Rural Buildings
- 6.6 Emerging Site Specific Part 2 Local Plan
RS4: Development in Open Countryside

7. Evaluation

The key issues for consideration are:

- Principle of development
- Impact on parking and highway safety Impact
- Biodiversity Impact
- Visual impact
- Impact on neighbouring amenity
- Drainage and flood risk
- Sustainable Buildings

7.1 Principle of Development

- 7.1.1 The proposal seeks planning permission for a change of use to establish a new rural business with associated dwelling within open countryside which will be linked by need to the proposed business. At the heart of the NPPF is a presumption in favour of sustainable development as set out in Section 2, paragraph 10 (NPPF), based around three overarching objectives (economic, social and environmental). Section 12, paragraph 124 (NPPF) states that *'good design is a key aspect of sustainable development'*.
- 7.1.2 Section 5 of the National Planning Policy Framework also gives some support to isolated homes in the countryside where (a) there is an essential need for a rural worker...to live permanently at or near their place of work in the countryside. Section 6 of the National Planning Policy Framework also seeks for planning decisions to enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 7.1.3 However, saved Policy 7 of the Local Plan for Kettering Borough restricts new development in the open countryside, unless in accordance with other policies included within the Local Plan (or North Northamptonshire Joint Core Strategy where relevant policies have not been saved).
- 7.1.4 With respect of the proposed dwelling, saved Policy RA5 of the Local Plan for Kettering Borough resists new residential development in open countryside unless exceptions apply. One of the exceptions makes a requirement for the dwelling to be essential for the purposes of agriculture or forestry and that the building does not exceed a specific floor area and is sympathetic in design, materials and siting. In this instance, the proposal meets the latter two sub-criteria as discussed throughout this report, but the 'purpose' test is not met, despite the proposed use being a rural enterprise. Similar provisions are made within saved Policy 48 for temporary dwellings, which for similar reasons is given little weight within the decision making process. Notwithstanding this, Section 5 of the National Planning Policy Framework adopts a broader approach to housing within open countryside, which the more recent Policy 13 of the North Northamptonshire Joint Core Strategy echoes (as discussed below). The requirements of policy RA5 is therefore given limited weight due to its limited compliance with national policy and the more recent Part 1 Development Plan policy due to its over-restrictive approach.
- 7.1.5 Saved Policy RA14 more broadly focuses on encouraging the re-use of existing buildings for alternative uses subject to detailed criteria being met. In this instance, the proposal seeks to remove all existing buildings within the site except for a single pole barn which is in fair condition and capable of being repaired and re-purposed as part of the wider proposed horse rehabilitation centre and livery use, and generally accords with the criteria set out within this policy. Whilst it is desirable in principle to retain the other existing buildings, it is accepted that they are either have little design merit, are incapable of re-use or are not worthy of retention owing to their condition or appearance.

- 7.1.6 As highlighted above, although there is a degree of conflict with saved Policy RA5 of the Local Plan for Kettering with respect of the proposed dwelling, the more recent Policy 13(2)(b) of the North Northamptonshire Joint Core Strategy which also restricts new development in the open countryside which is located away from established settlements, adopts a broader approach to exceptions and gives support to dwellings for rural workers at or near their place of work in the countryside, provided that (i) the dwelling is required to enable someone who is in full time employment in agricultural, forestry or similar rural businesses to meet the essential a need of the enterprise concerned; and (ii) it can be demonstrated the functional, financial and viability tests in paragraph 5.4.1 have been met. This policy is more aligned with Section 5 of the National Planning Policy Framework and Emerging Policy RS4 of the Site Specific Part 2 Local Plan which also gives support to development in open countryside where it meets the requirements of Policies 13, 25 or 26 of the North Northamptonshire Joint Core Strategy or national policy.
- 7.1.7 The functional, financial and viability tests set out in Policy 13 of the North Northamptonshire Joint Core Strategy require the need for (a) a clear established functional need for the development, demonstrating that this cannot be fulfilled by another existing dwelling or accommodation in the areas suitable for occupation by the workers concerned; (b) that the rural enterprise concerned has been established for at least three years, has been profitable for at least one year and is currently financially sound with a clear prospect of remaining so; (c) and the size and scale of the proposed dwelling is commensurate with the established functional requirements.
- 7.1.8 In this instance, it is most appropriate to locate the proposed use within open countryside given that it is clearly a rural business. With respect of criterion (a) there is a clear functional need between the dwelling and the horse rehabilitation centre element of the proposed use, as the horses will be subject to veterinary procedures on-site which will require post-operative care and rehabilitation.
- 7.1.9 Given the medical needs and condition of animals on site, the nature of the activity on site provides a genuine and valid reason for requiring a dwelling near to the proposed use. The applicant has set out within the planning application that the existing farmhouse which is nearby has been severed from the site and is now under separate occupation and no longer available as nearby alternative existing accommodation which could otherwise be utilised.
- 7.1.10 The proposed livery use however does not demonstrate a functional need although it is clear that this forms a part of the wider business plan (but is not the dominant element and would not justify a dwelling on its own right), with the business being made available to farriers on a small scale ad-hoc basis of less than 10 persons.
- 7.1.11 With respect of criterion (b) the application is being made for the dwelling and horse rehabilitation centre and livery use simultaneously. As the use is not already established, the proposal fails to demonstrate compliance with criterion (b), however, it is accepted that due to the nature of the proposed horse rehabilitation centre use it cannot be established in absence of a dwelling on site and should be given a degree of weight in considering the planning balance in respect of compliance with this policy.

- 7.1.12 It is noted that the proposal is not seeking a permanent planning permission for the proposed dwelling, but a temporary permission, which could provide time in which the business can become established and viability re-assessed based on actual data. Although it relates to the provision of temporary dwellings, saved Policy 49 of the Local Plan for Kettering Borough is not considered relevant in this instance, as none of the exceptions criteria apply. However, as highlighted by relevant policy, a dwellinghouse within this remote location is only justified on the grounds of a linked need to the business. In this instance, the use of a temporary consent cannot split the permission to apply only to the dwelling and the test of 'reasonableness' would not be met if applied to the remainder of the proposal, i.e. the proposed use. Equally, a personal permission is not considered 'reasonable' either as an alternative occupier running the same business would not give rise to additional impact. As a result, in order to prevent the establishment of an independent dwelling within open countryside and make the development acceptable, subject to financial viability of the proposed business (discussed below) the most appropriate mechanism is to apply a planning condition requiring the proposed dwelling to be ancillary to the 'horse rehabilitation centre' use, ensuring that the dwelling is removed from the site in the event that the use ceases. This condition is specific to the 'horse rehabilitation centre' use and not the livery, which is not considered to necessitate a dwelling on its own. In terms of location of the proposed dwelling, Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that development in open countryside will be resisted unless proposals involve rural diversification will be supported where they accord with Policy 25 of the North Northamptonshire Joint Core Strategy or support is given through the Part 2 Local Plans.
- 7.1.13 To support the application, a business plan has been submitted with financial data covering a 3 year period which broadly demonstrates viability, subject to a number of assumptions set out within which have not been tested. The above observations are generally in line with guidance set out within Paragraph: 010 Reference ID: 67-010-20190722 of the National Planning Policy Guidance, although the aforementioned does not provide detail on the level of scrutiny which should be applied to viability data. However, taken at face value with respect of how the venture is to be financed, the proposed business is viable and given the level of investment required to establish this new business, it is in the applicant's interest to ensure that the information provided is accurate. As a result, limited weight is attached to failure to comply with criterion (b) paragraph 5.4.1 (supporting text to Policy 13 of the North Northamptonshire Joint Core Strategy).
- 7.1.14 With respect of criterion (c) a single storey 3 bedroom unit, with bathroom and separate toilet and kitchen/lounge/dining room is proposed with a footprint of 95.5m² (1028 ft²). with one of the bedrooms doubling up as an office within the dwelling. The proposed floor space is modest and accords with criterion (c), and taking into account the aforementioned Development Plan policy support, the proposal also accords with Saved Policy 7 of the Local Plan for Kettering Borough.
- 7.1.15 Within the application, the applicant highlights the fact that prior approval has been granted under Part Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) for change of use to dwellinghouse from agricultural building, however this does not carry significant weight in this instance, as the proposed dwelling in this instance is a new build, and

does not seek to re-use the same agricultural building. Notwithstanding this, the policy support already referred to weighs in its favour and means the irrelevance of this planning decision is not fatal to the overall recommendation.

- 7.1.16 The site is located within open countryside on land which the applicant states was previously used in the past for the keeping of horses owing to the presence of the stable buildings and pole barn within, although the application also indicates wider agricultural use linked to the former farmhouse located south of the site which has since been severed. Aerial photographs submitted with the application (and available independently) provide verification of the former use.
- 7.1.17 In terms of the proposed horse rehabilitation centre and livery use, Policy 25 of the North Northamptonshire Joint Core Strategy supports sustainable opportunities to develop and diversify the rural economy that are of an appropriate scale for their location and respect the environmental quality and character of the rural area. In particular, encouragement is given to: (1)(a) the development and diversification of agricultural and other land based businesses....and; (2)...where proposals involve the re-use of rural buildings, a mix of uses will be supported including small scale business and live/work units.
- 7.1.18 Although, the submission indicates that the proposal will only generate the need for one full-time employment post, which will be the operator of the proposed business, it is acknowledged that additional employment may be generated as the business becomes more established over time. The proposal will also enhance the availability of specialist services locally and strengthen the local rural economy.
- 7.1.19 As already discussed, the proposal will seek to replace the majority of existing buildings due to their design and condition. The replacement buildings will however, be subservient in scale, largely clustered together around a traditional farm/stable yard area, whilst the existing pole barn will be repaired and re-used. The provision of a small dwelling on site will enable the operator of the business to live on site based on a need to be close to the horses being re-habilitated on-site and to enhance security of the site, and whilst not technically a live/work units, follows the spirit of Policy 25 by enabling a new rural business to become established which will serve the local and wider area.
- 7.1.20 In conclusion, there is evidence that the site already has a history of equestrian use although its current status is unconfirmed and only limited weight is attached to this. Notwithstanding this, there is policy support for the proposed use in this isolated location as the most appropriate place for a new rural enterprise which will strengthen the rural economy. Whilst there is some conflict with Policy 13 of the North Northamptonshire Joint Core Strategy due to failure to demonstrate viability of the business over a 3 year period in order to justify the proposed dwelling, it is acknowledged that this is not possible to demonstrate due to specialist nature of the proposed horse rehabilitation centre use which is required simultaneously. Despite this, sufficient information has been provided to demonstrate viability of the proposed business and the combined proposal accords with Sections 5 and 6 of the National Planning Policy Framework in light of submitted business plan. Other aspects of the proposal generally accord with Saved Policies 7 and RA14 (where relevant), Policy 25 of the North Northamptonshire Joint Core Strategy and Emerging Policy RS4 of the Site Specific Plan Part 2 Local Plan, the latter of which

now attracts significant weight due to its position within the plan making process. The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria and planning condition securing the proposed dwelling ancillary to the 'horse rehabilitation centre' use and the removal of permitted development rights which would otherwise allow for uncontrolled alterations/enlargement of buildings on site and or a change of use of the dwelling to a House in Multiple Occupation.

7.2 Impact on Parking and Highway Safety

- 7.2.1 Section 9, paragraph 108(b) (NPPF) states that when considering applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'*.
- 7.2.2 Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.
- 7.2.3 In response to consultation comments received from Loddington Parish Council and the Local Highways Authority, the applicant has submitted a number of amendments to seek to overcome concerns raised which have gone through an iterative consultation process. These include the provision of a passing place on the bend of the access track; widened access; demonstrated visibility splays; clarification on gradient and surfacing and gate design. Final comments received from the Local Highway Authority raise no objection subject to planning conditions securing details as referred to in paragraph 5.3 (securing a passing place of adequate size and submission of a construction management plan, visibility splays, gradient, gate set back, access width, surfacing, etc) leaving other matters to be considered by the Local Planning Authority.
- 7.2.4 With respect of these matters, the proposal relies on a single point of access to be shared by both commercial and residential, this is considered acceptable, given the commercial business is unlikely to generate vehicle movements from one employee and resident (the applicant) with a limited level of vehicle movements associated with users of the business which will be controlled by the number of horses that the business can accommodate; as a result, the opportunity for conflict is limited. In addition, the increased access width, set-back distances from the highway and provision of a passing place along the length of the access also provide mitigation to an acceptable level.
- 7.2.5 The actual quantum of parking associated with the temporary dwelling is sufficient and accords with the Northamptonshire Parking Standards (Sept 2016). With respect of the commercial area of the site, the most recent proposed site plan (PL100C received on 27.11.2020) demarcates space for a horse box and fire engine together with turning space and additional unmarked vehicular parking/hardstanding which is considered sufficient. In further discussion with the Highways Authority, it is considered that the proposed passing place could be enlarged in size given the type / size of vehicles which may need to access the site and will be secured by condition so that it is provided prior to commencement of the use.

- 7.2.6 There remains an objection from Loddington Parish Council with respect of highway safety in connection with the position of the main access to the site where it adjoins Harrington Road close to a bend. To overcome this, the Parish Council has indicated that a planning condition which would require the hedgerow at the point of the access to be cut back and maintained to enhance visibility splays would be acceptable, however, it appears the relevant land falls outside of the site and such a condition would therefore be unreasonable and unenforceable (*ultra vires*).
- 7.2.7 Consideration is given to Paragraph 109, Section 9 of the National Planning Policy Framework which 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 were severe'*. It is noted that the local Highways Authority do not object to the proposal on this basis, and significant weight is attached to their expert opinion together with the historic use of the site which itself would have attracted vehicle movements for potentially similar types of vehicles through a more sub-standard access. Together with the fact that the number of vehicle movements are likely to be limited due to observations already discussed, it is considered that whilst there remains outstanding objection on highway grounds to the proposal, the harm is not considered to be so significant that it would warrant refusal and the proposal is acceptable with respect of this material consideration subject to conditional matters and in accordance with the relevant parts of Section 9 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 **Impact on Biodiversity**

- 7.3.1 Section 15 (NPPF) places an emphasis on ensuring that planning decisions contribute to and enhance the natural local environment including protecting the natural environment, including biodiversity.
- 7.3.2 Policy 4 of the North Northamptonshire Joint Core Strategy seeks for development to deliver a net gain in biodiversity and protect and enhance features of geological interest. Where appropriate, Policy 19 of the North Northamptonshire Joint Core Strategy focuses on development providing or contributing to alternative green infrastructure, maintaining and enhancing the special mixed urban and rural character of the area.
- 7.3.3. Land adjacent the site under common ownership has been assessed as a habitat for Great Crested Newts which populate a nearby water body. Part of the site which the access track passes through and adjacent land is also designated as a National Wildlife Trust - Potential Wildlife Site and therefore has significant biodiversity potential. This is recognised through comments received from the Northamptonshire County Council Biodiversity Officer and Loddington Parish Council.
- 7.3.4 Comments received from the Northamptonshire County Council Biodiversity Officer raise no objection subject to specific conditions which control drainage to protect existing water courses, surface material on internal tracks to prevent obstruction to Great Crested Newt movements, a requirement for a Natural England license to allow works (or equivalent alternative measures) and a scheme for biodiversity enhancements to be provided. The recent submission of a 'Great Crest Newts Presence/Likely Absence Survey' confirms no change to these comments and

requirement for appropriately worded planning conditions in order to safeguard these interests.

- 7.3.5 Although not expressed within the comments, Loddington Parish Council did not reiterate concerns for biodiversity in their latest comments but have sought drainage details to be secured, in order that the existing Great Crested Newt colony and habitat is not adversely affected, and that surface water is not discharged into the existing pond; it is recommended that these details are required by planning condition as previously mentioned.
- 7.3.6 A submitted 'Tree Survey, Impact Assessment and Method Statement' sets out the condition of trees within the site and those which need to be felled/removed, together with methodology.
- 7.3.7 Given that the majority of replacement buildings are centrally located, some of which are on a similar footprint to the pre-existing buildings where the presence of trees, etc is limited, their impact on bio-diversity will not be significant.
- 7.3.8 Whilst the loss of some trees (T6,T11, T16 [Goat Willow], T7, T8 [Ash Trees], T10 [Field Maple] and Mixed Scrub [G13] will result in a small loss of biodiversity, this harm can be mitigated by leaving resulting logs, etc on site as part of a wider scheme for biodiversity enhancement, already recommended to be secured by planning condition. Other trees are identified which fall outside of the site which will either be removed or protected. In all instances, tree protection measures specified within the statement makes reference to British Standards 5837 (2012) and will be carried out by arboriculturists which is satisfactory. All works are to be phased in accordance with a programme of works which also addresses issues of biosecurity. It is considered that other impacts relating to biodiversity interests will be secured by planning conditions necessary to address concerns raised by the Northamptonshire County Council Biodiversity Officer. As a result, subject to this, the proposal will have an acceptable impact on biodiversity and accords with the relevant parts of Section 15 of the National Planning Policy Framework and Policies 4 and 19 of the North Northamptonshire Joint Core Strategy.

7.4 Visual Impact

- 7.4.1 Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraphs 124 and 127 set out that good design is a key aspect of sustainable development. Section 15 seeks for planning decisions to contribute to protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 7.4.2 Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.4.3 Policy 3 of the North Northamptonshire Joint Core Strategy also seeks for development to be located and designed in a way that is sensitive to its landscape setting and should conserve or enhance the character and qualities of the local landscape, retain or enhance important landscape features, protect the landscape setting and contribute to maintaining the individual and distinct character, etc.

- 7.4.4 The site is located within a secluded position in open countryside surrounded by existing trees and hedgerows which screens the site from view of public realm. The existing pole barn is to be retained, renovated and re-purposed in order to facilitate the proposed use. The existing access track will be widened where it meets Harrington Road and a formal entrance will be created. Other than provision of a passing place and installation of gates, the rest of the access track will just be repaired infilling holes with loose material. The existing stable block will be removed together with a number of other dilapidated buildings. A central building complex is proposed to replace the existing stable block, arranged around a courtyard layout, with stables, client room, drug room, rehabilitation store, etc. A further small hay/feed barn is located within close proximity west of this, abutting the western boundary which is lined within trees / hedging. Southwest of this, a round pen is proposed for training. Along the northern boundary of the site, further stables and tack room are proposed with a temporary dwelling located within close proximity east of this.
- 7.4.5 The scale of all new buildings is limited to single storey, and finished in timber with shingle roofs muting their appearance within the setting in which they sit. The proposed layout seeks to group buildings, aggregating mass and minimising the effect of visual clutter across the entire site. Although a relatively small area of meadow/pasture will be re-surfaced for equine use which will formalise the appearance of the site with fence enclosures and sand/chip surface instead of grass, traditional post and rail stock fencing is proposed which retains an open agricultural appearance and is not visually harmful and the surrounding pasture will remain unaffected and left open and in its semi-natural state. For biodiversity reasons, a planning condition is recommended in section 7.3 of this report to secure gravel surface to the existing access track (where required) which provides a natural finish and is acceptable within its setting. The laying out of grazing land for a manege, canter track, sand pen, treadmill, round pen, etc will change the informal character of the area to one which is more formally laid out, but will remain compatible with the overall rural appearance of the site. Furthermore, it is noted that the existing pattern of field networks will remain unchanged, with only minor alteration at the entrance of the site to facilitate an improved vehicular access. Subject to planning conditions securing materials as proposed, works to be carried out in accordance with the tree survey, impact assessment and method statement, and standard condition relating to approved plans, the proposal will have an acceptable impact on visual amenity and accords with the relevant parts of Sections 2, 12 and 15 of the National Planning Policy Framework, and Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

7.5 Impact on Neighbouring Amenity

- 7.5.1 Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.
- 7.5.2 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.

7.5.3 In this instance the nearest neighbour is located approximately 150 metres south of the site which is a farmhouse and annexe, which given the low impact nature of the proposal is considered sufficient distance away not to be significantly adversely affected by the proposal. No comments have been received from the neighbouring occupiers to indicate otherwise. As a result, the proposal is acceptable with respect of neighbouring amenity and accords with the relevant parts of Section 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

7.6 **Drainage and flood risk**

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

7.6.2 Section 14, Paragraph 163 (NPPF) states that when determining any planning applications, local planning authorities ensure that flood risk is not increased elsewhere. Development should be supported by a site-specific-flood risk assessment where appropriate, and only be allowed in areas at risk of flooding where in light of an assessment that includes a sequential test and exception test, it can be that the most vulnerable forms of development are located in areas of least risk to flooding; the development is appropriately flood resistant/resilient; the proposal incorporates SUDs unless it can be demonstrated that this would be inappropriate; residential risk is safely managed; safe access/escape routes are included as part of an emergency plan.

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

7.6.4 Although a minor water course is identified along the length of the southern boundary to the site and ponds are located on adjacent land (one of which is under common ownership), there is no identified flood risk (either fluvial, pluvial, coastal or ground water) which requires additional consideration as the site falls outside of flood risk zones 2 and 3 which are at the highest level of risk from flooding and is not identified as being at risk from significant ground water flood risk.

7.6.5 Consultation comments received from the Councils Environmental Care team raised no objection to the proposal in terms of drainage, subject to evidence being provided to confirm that drainage flows will be stored and adequate foul and surface water drainage being installed and maintained. Comment from Northamptonshire County Council Biodiversity Officer also sought for drainage scheme details to be confirmed, to ensure that surface water is not discharged into existing watercourses or land which could harm existing Great Crested Newt habitat or colonies or other important

species; any new drainage pond provided as part of a drainage scheme also has the potential to provide biodiversity enhancement if new ponds are proposed as part of this. Loddington Parish Council echoed these concerns about impacts on Great Crested Newt population and habitat.

- 7.6.6 Typically, building regulations will deal with issues of drainage but may not adequately address impacts on biodiversity. Taking into account response from Northamptonshire County Council Biodiversity Officer and Loddington Parish Council, it is recommended that a drainage scheme is secured by planning condition in order to mitigate against any harm to localised flood risk and biodiversity. Subject to this, the proposal will have an acceptable impact on drainage and accords with the relevant parts Section 14 of the National Planning Policy Framework and Policy 5 of the Joint Core Strategy.

7.7 Sustainable Buildings

- 7.7.1 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.
- 7.7.3 No details have been submitted as part of this application, however such requirements are technically achievable and information in this regard can be required by condition in order to comply with the relevant parts of Policy 9 of the North Northamptonshire Joint Core Strategy in order to make the proposal acceptable.

8. Other Matters

- 8.1 Refuse and Recycling Collection Point: Loddington Parish Council raise concern regarding the siting of refuse and recycling bins for collection and potential impacts of refuse vehicles being forced to reverse out which would endanger highway safety. The proposed collection point is positioned at the closest point to the highway which is a typical requirement. The Councils Environmental Care team were consulted over the application and no comments have been received. Refuse vehicles are typically serviced by a number of operatives to aid highway safety where required, with rural premises sometimes served by smaller vehicles which facilitates manoeuvring of vehicles where access is limited. In addition, the final scheme has resulted in no objection from the Local Highways Authority, which includes a requirement for access gates to be set back 15 metres. As a result, the assessment set out within section 7.2 of this report remains relevant to this material consideration.
- 8.2 Building Regulations: In response to comments from the Highways Authority, matters raised have been brought to the attention of North Northants Council – Building Control (Kettering Area) who confirmed their requirements and issues of concern/interest. Whilst these are not a planning consideration, they have been shared with the applicant who wishes to progress the application based on the plans submitted so far.

9. Conclusion / Planning Balance

- 9.1 The proposal for a new rural enterprise and associated dwelling will contribute towards developing a stronger local rural economy and diversify specialist services available within the area. Due to the nature of the proposed use (horse rehabilitation centre and livery), the site's isolated position is acceptable and the provision of a new dwelling which is secured by planning condition to be ancillary to the proposed 'horse rehabilitation centre' use is considered acceptable in light of no alternative nearby accommodation being available.
- 9.2 Issues relating to visual impact, biodiversity, drainage and flood risk, residential amenity and parking, sustainable buildings and highway safety is acceptable subject to planning conditions set out within the report. Whilst concern has been raised by Loddington Parish Council regarding highway safety with respect of the vehicular access point which is located close to a bend on the adjacent Harrington Road unless continued maintenance of the hedgerow along Harrington Road can be secured by planning condition, the Highways Authority raise no objection subject to other matters set out within the planning application and report being addressed.
- 9.3 The relevant hedgerow falls outside of the site preventing the use of condition to secure its ongoing maintenance (*Ultra vires*). Notwithstanding this, significant weight is attached to the Highways Authority response who provide expert opinion on matters of highway safety and the temporary nature of the development. As a result, subject to this and other matters being secured by planning condition as set out within this report, the proposal is also considered acceptable in principle and in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act. The proposed development is therefore recommended for approval.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
REASON: In the interest of securing an appropriate form of development 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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by any class or part of Schedule 2 of the Order shall be erected, constructed, or made on the application site.

REASON: To protect the special character and setting of the open countryside and prevent the establishment of a more permanent residential use in light of the temporary nature of the dwelling which is only justified by its defined need and limited scale and rural exception in accordance with Policies 11, 13 and 29 of the North Northamptonshire Joint Core Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use permitted by Class L of Part 3 of Schedule 2 of the Order shall take place on the application site.

REASON: To prevent the establishment of a House in Multiple Occupation within this isolated location where only a single ancillary dwellinghouse is permitted and justified by its defined need and limited scale and rural exception in accordance with Policies 11, 13 and 29 of the North Northamptonshire Joint Core Strategy.

6. No development shall commence unless and until the local planning authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
- b) Written confirmation from Natural England that the application site has been registered with the Great Crested Newt Low Impact Class Licence scheme; or
- c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

REASON: To protect existing biodiversity and associated habitats from harm which may otherwise result from the development hereby approved without adequate controls in place to prevent this, in accordance with Policies 4 and 19 of the North Northamptonshire Joint Core Strategy.

7. Prior to commencement of the use hereby approved a scheme for the protection and enhancement of biodiversity within the site shall be submitted and approved in writing by the Local Planning Authority. The submitted scheme shall include details relating to the source and control of external lighting including hours of operation, provision of hibernacula/suite of bat boxes/ wood piles, access surfacing, and drainage. Development shall thereafter be carried out in strict accordance with the approved scheme with any proposed biodiversity enhancements to be installed retained thereafter.

REASON: To protect existing biodiversity and associated habitats from harm which may otherwise result from the development hereby approved without adequate controls in place to prevent this and to provide biodiversity enhancements throughout the site in accordance with Policies 4 and 19 of the North Northamptonshire Joint Core Strategy.

8. The use hereby approved shall not commence until the proposed vehicular access (including gradient, width, surfacing type, surface water control, visibility splays, position and opening mechanism of gates) has been implemented in accordance with drawing no. PL111A Rev 1 received by the Local Planning Authority on 27th November 2020 and retained in that form thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

9. Notwithstanding the requirements of condition 8, the proposed vehicular access and visibility splays shall be surfaced with a hardbound surface for the first 15 metres as measured from the highway boundary to the proposed access gates, beyond which the vehicular access shall only be surfaced with a loose gravel (where required) and retained in that form thereafter.

REASON: In the interests of protecting highway safety from loose surfacing spilling out on to the highway and in order to protect biodiversity (in particular, the existing and future Great Crested Newt population present) within the site in accordance with Policies 4, 8, 19 of the North Northamptonshire Joint Core Strategy.

10. Notwithstanding the requirements of condition 8, no development shall commence on-site unless and until a scheme for the disposal of foul and surface water drainage associated with the development hereby approved has been submitted and approved in writing by the Local Planning Authority. The submitted drainage scheme shall demonstrate a preference towards the use of Sustainable Drainage Systems (SuDS) with respect of surface water which protects existing biodiversity habits (including Great Crested Newt Habitat and their populations) and includes details relating to flow rate/management, and on-going maintenance of the drainage scheme. These details shall also include drainage provision associated with the proposed aco-drain at the point of access which abuts the highway as shown on drawing no. PL111A Rev 1 received by the Local Planning Authority on 27th November 2020. The proposed use shall not commence until the approved drainage scheme has been implemented in full, which shall be retained and maintained thereafter in accordance with the approved details.

REASON: In the interests of protecting water quality within the area, prevention of localised flooding and highway safety and to protect and enhance biodiversity (populations and habitat) within the area in accordance with Policies 4, 5, 8 of the North Northamptonshire Joint Core Strategy.

11. The dwelling house hereby approved shall at all times remain ancillary to the use of the site as a horse rehabilitation centre hereby approved and shall not be occupied by anyone other than the operator of the horse rehabilitation centre use. On cessation of the horse rehabilitation centre use, occupation of the

dwellinghouse shall permanently cease and the building shall be permanently removed from the site.

REASON: In order to prevent the establishment of a new dwellinghouse within an isolated location which would not be justified in the absence of direct rural employment need linked to the dwellinghouse, in accordance with Policy 13 of the North Northamptonshire Joint Core Strategy.

12. All works to trees shall only be carried out in accordance with the RJ Tree Services Ltd 'Tree Survey, Impact Assessment and Method Statement' dated August 2020.

REASON: In the interests of good arboricultural practice and to protect retained trees in the interests of visual amenity and to protect wildlife/biodiversity in accordance with Policies 3, 4 and 8 of the North Northamptonshire Joint Core Strategy.

13. Notwithstanding the details shown on drawing no. PL108C received by the Local Planning Authority on 27th November 2020, the use hereby approved shall not commence unless and until a passing place in the same location as that shown on the aforementioned plan has been provided to the dimensions of 12 metres long by 2.3 metres wide (minimum) and constructed to a standard capable of supporting a fire engine (approximately 12 tonnes) which shall be retained in that form thereafter throughout the operation of the use hereby approved.

REASON: In the interests of facilitating safety within the site and ensuring that vehicles associated with the use have sufficient space to pass each other within the site without obstructing the public highway which may otherwise result in a risk to highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. 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 Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the commencement of the development hereby permitted, a full, non-verbose or repetitive, Construction Management Plan shall be submitted to and be approved in writing by the local planning authority. The submitted plan shall include the following elements;

- Delivery / removal hours to be limited to between 10:00 - 16:00.
- Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors. To include a map suitable for printing and being distributed to drivers visiting the site during the works.
- Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
- Details of temporary construction accesses and their remediation post project.
- Provision for emergency vehicles.
- Measures to control noise/and or vibration during the development.

- Full details of measures to protect existing trees located within the highway from damage during site clearance, demolition and construction phases, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction'.

The approved Construction Management Plan shall be adhered to throughout the demolition and construction period and the approved measures shall be retained for the duration of the demolition and construction works hereby approved.

REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding and protecting highway safety and the character and appearance of the area in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

12. Informatives

Positive/Proactive – amendments

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	KET Ref.	Agent's Ref	Received Date
Location plan		A001A	11/09/20
Block plan		A002	02/09/20
Site plan		PL100A	11/09/20
Haybarn elevations and floor plans		PL101	02/09/20
Rehab centre elevations 1		PL102A	11/09/20
Rehab centre elevations 2		PL103	02/09/20
Stables elevations		PL106	02/09/20
Sand pen elevations and floor plans		PL107	02/09/20
Equipment store elevations and fence details		PL108A	11/09/20
Log cabin elevations and floor plans		PL109	02/09/20
Pole barn elevations and floor plans		PL110	02/09/20
Rehab centre floor plans		PL104A	11/09/20

Stables floor plans		PL105	02/09/20
Visibility splay, access and gate plan		PL111-1	21/09/20
Site visual 1		V001	02/09/20
Site visual 2		V004	02/09/20
Rehab visual		V002	02/09/20
Rehab axo visual		V003	02/09/20
Tree plan 01	KET/2020/0610/1		02/09/20
Tree plan 02	KET/2020/0610/2		02/09/20
Planning design and access statement	KET/2020/0610/3		02/09/20
Business plan	KET/2020/0610/4		02/09/20
Ecology report		2020-05(06)-A	02/09/20
Tree survey		TreeReport-LoddingtonCoppice01	02/09/20
Business plan	KET/2020/0610/4A		08/10/20
Ecology report		2020-05(06)-A	13/10/20
Planning design and access statement	KET/2020/0610/3a		07/12/20
Business Plan November 2020 (confidential)	Confidential	Confidential	27/11/20
Proposed site layout plan		PL100 Rev C	27/11/20
Fence Type Elevations and Passing Place		PL108 Rev C	27/11/20
Visibility Splays, Access and Gates		PL111 Rev A	27/11/20
Covering Letter to LPA dated 27.11.20			27/11/20
Letter dated 03.02.2021			03/02/21
Cherryfield Ecology – Great Crested Newts Presence / Likely Absence Survey 01.06.2021			14/06/21



North Northamptonshire Area Planning (Kettering) Committee 29/07/2021

Application Reference	KET/2020/0755
Case Officer	Nicola Wheatcroft
Location	247 Havelock Street (garages adj), Kettering
Development	Full Planning Permission: 2 no. dwellings
Applicant	Mr P Drage PMA Building Services
Agent	Mr P Drage PMA Building Services
Ward	All Saints
Overall Expiry Date	04/01/2021
Agreed Extension of Time	

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal.

1. Recommendation

- 1.1 That planning permission be APPROVED subject to the following Condition(s):-

2. The Proposal

- 2.1 Planning permission is sought for the erection of a pair of semi-detached houses following the removal of the vacant garages. The houses will be of a comparable height and depth to the adjacent houses along Havelock Street with gardens to the rear. No off-street parking is provided.

- 2.2 A parking beat survey accompanies the application which refers to the removal of yellow lines across the frontage of the site to enable more on-street parking.

3. Site Description

- 3.1 The site is a rectangular in shape and located adjacent to no.247 Havelock Street and is currently occupied by vacant garages. The site is surrounded by terrace two storey houses which immediately abut the highway. There are double yellow lines across the front of the site.

4. Relevant Planning History

- 4.1 There is no planning history for the site.

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at: <https://www.kettering.gov.uk/planningApplication/search>

5.1 Neighbours / Responses to Publicity

Three neighbours have objected to the proposal raising the following issues:

- Lack of consultation
- Additional dwellings will have a detrimental effect
- Parking arrangements already challenging
- Two additional houses so close to the junction will be dangerous
- Privacy problems from overlooking of adjacent garden and kitchen
- Cars that were in garages are on the street causing parking problems
- Overlooking and overshadowing of adjacent garden
- What boundary treatment following removal of garages.

5.2 Local Highway Authority (LHA)

Initially raised concerns about the lack of off street parking. However, following the submission of a parking beat survey raised no objection based on the findings of the survey, as the LHA would not have significant concerns as regards parking availability on streets surrounding the site. However, concerns were raised about the absence of cycle parking

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy

National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 6: Development on Brownfield Land and Land Affected by Contamination
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
- 6.4 Local Plan for Kettering Borough (saved policy)
Policy 35: Housing: Within Town
- 6.5 Site Specific Part 2 Local Plan (SSLP) (2020) Submission Plan
Policy HOU1: Windfall and Infill Development

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters

7.1 Principle of Development

- 7.1.1 The site is located within the town boundary of Kettering, as defined in the Local Plan for Kettering Borough, in an established residential area. Policy 35 of the Kettering Borough Local Plan states that planning permission will normally be granted for proposals for residential development within the Town boundaries where the proposal is compatible with other policies and proposals in the Plan.
- 7.1.2 The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and then the open countryside.
- 7.1.3 Policy 11 of the North Northamptonshire Joint Core Strategy directs development towards the Growth Town of Kettering and market towns. Growth towns are the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development. The site is located within the urban area of Kettering and is a small infill site which will provide additional small scale housing. This is in line with Policy 11 of the JCS.
- 7.1.4 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example, there should be no adverse impact on character and appearance, residential amenity of existing or future occupiers and the highway network.

7.1.5 Policy HOU1 of the emerging Site Specific Local Plan states that infill development within settlement boundaries will generally be accepted provided that there is no erosion to the character and appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents and they meet the requirements of policy set out in the JCS. These matters are considered further below.

7.2 Visual Impact

7.2.1 Section 12 of the National Planning Policy Framework requires good design from development proposals. Policy 8 d) (i) of the North Northamptonshire Joint Core Strategy requires development to respond to the site's immediate and wider context, to be of a high standard of design and landscaping, and development to respect and enhance the character of its surroundings.

7.2.2. The application site is a former garage site located next to a uniform row of terraced dwellings. The two dwellings will replicate the appearance and size of the adjacent properties in particular the height, roof pitch, materials and fenestration will reflect the appearance of the adjacent houses and the prevailing residential character of tightly packed terrace houses typical of central Kettering.

7.2.3 The proposal involves the removal of the unsightly garages which add nothing to the appearance of the area and have the potential for antisocial behaviour and dumping of unwanted goods. The introduction of a pair of houses which are similar in terms of scale and appearance with the adjacent houses will reflect the built form and appearance of houses in the vicinity adding to the stock of housing in Kettering as well as help to enhance the appearance of this part of Havelock Street.

7.2.4 Overall, the redevelopment of the site with 2 dwellings of a similar style and size to the surrounding houses will meet the requirements of Section 12 of the NPPF, Policy 8 of the JCS and Policy HOU1 of SSLPs.

7.3 Impact on Neighbouring Amenity

7.3.1 Policy 12 (Paragraph 127(f)) of the NPPF requires Local Planning Authorities to seek a high standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS seeks development to prevent harm to residential amenities of neighbouring properties, by reason of overbearing, loss of light or overlooking.

7.3.2 The proposed dwellings are located immediately adjacent to no.247 Havelock Street and will be orientated to face the road and so will not have any impact on the adjacent house from loss of privacy or of light. There will be views of the rear garden of no.247 from the upstairs rear windows of the proposed houses but the rear garden is already visible from the rear of other houses in Havelock Street.

7.3.3 To the east of the application site are the rear elevations of nos 168 – 176 Bath Road which have views directly towards the application site. The main rear elevations are located approximately 10 - 12m away from the application side

(east) boundary, with 2 storey gable projections reducing the gap to 8 – 9m. There is limited fenestration at first floor facing towards the site and what is there is obscure glazing. A separation gap of approximately 11m between the rear elevation of the neighbouring houses and the flank elevation of the proposed dwelling is on balance acceptable, especially as the windows are obscurely glazed. At ground floor level there are non obscurely glazed (kitchen) windows but the outlook from these windows is already adversely affected by boundary walls and outbuildings. Overall, it is deemed that the outlook from the rear windows will change as a result of the proposed development but there will be no loss of amenity from overbearing impact, loss of outlook or privacy as a result.

- 7.3.4 A resident living to the rear of the site has raised concerns about potential loss of privacy and overlooking from the proposed development. The 2 houses to the rear have longer rear gardens than most of the remaining houses at 21m, this distance together with the depth of the proposed rear gardens will ensure adequate separation will be provided with no direct window to window overlooking resulting. There may be views of the garden from the proposed dwellings but the site is located within a tightly constrained residential area where there is already a degree of overlooking from neighbouring houses.
- 7.3.5 Due to the close proximity of the adjoining properties a condition is proposed limiting the hours of construction and deliveries. Also removing PD rights to protect the residential amenities of nearby dwellings.
- 7.3.6 It is considered that subject to conditions, the proposed scale and siting of the dwellings will minimise any potential amenity impact on its neighbours and that no unacceptable harm to neighbouring amenity would result from development. The proposal is therefore considered to be acceptable with regard to its impact upon residential amenity and in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

7.4 Highway Matters

- 7.4.1 Policy 9 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.
- 7.4.2 The Councils parking standards require 2 off street parking spaces per dwelling plus 1 visitor parking space per unit. The proposed development does not provide any off street parking and in line with the surrounding houses any future residents would have to park on Havelock Street or one of the surrounding roads.
- 7.4.3 A parking beat survey has been carried out by the applicant which assessed parking provision within a walking distance of 200m of the site. The survey was carried out on a Thursday and Saturday night in February and looked at the extent of available on street parking and the number of parked cars. From this a calculation of the 'parking stress' was made. Overall, the survey showed that 83% and 86% of the on street parking capacity was used on the 2 nights, meaning that there was additional capacity for more parking on the local road network. The survey did demonstrate

that there are incidences of parking in the area which do not accord with Council standards such as parking on the kerbs and blocking gates and garages. There are potentially various reasons for this including blocking own drives, parking pressure and lack of enforcement. This is not untypical of parking provision in a central area such as this. Overall, the Councils Highway Engineer is satisfied that there is capacity for additional on street parking within the vicinity of the site. This means that whilst the proposal does not provide on street parking in line with the parking standards the Highway Engineer is satisfied that the scheme would not lead to significant parking problems affecting highway safety.

- 7.4.4 It should be noted that the application site is located in the centre of Kettering within proximity of shops, facilities and public transport. As a result the ownership and use of a car becomes less important and potential occupiers of the houses may not own vehicles. This weighs in favour of the scheme and supports the argument that a more flexible approach towards parking provision should be made.
- 7.4.5 There are double yellow lines across the front of the site which were in use when the garages were in use to ensure access was available to the garages. There is now no need for the lines and they can be removed which would provide more on street parking for local residents. However the removal of the lines is a formal process which involves public consultation by the Council and as such is not guaranteed. As a result whilst the removal of the lines will result in an improvement in the parking provision in the site it cannot be a matter controlled through a planning condition. The applicant has indicated his intention to commence the process for the removal of the yellow lines, but there will be control on this through the planning process.
- 7.4.6 The proposal does not make provision for any cycle parking which should be provided at one space per bedroom and should be covered, secure, overlooked and easy to use. There is space within the rear gardens for such facilities and a condition is proposed requiring details and provision of the parking prior to occupation.
- 7.4.7 The proposal does not include off street parking and therefore is contrary to the Councils parking standards. However, a more flexible approach to the parking standards could be appropriate in this instance. As the application is accompanied by a survey which demonstrates that there is parking capacity on street within the vicinity. Also that the site is located within a central part of Kettering where there is easy access to facilities and public transport and use of a car might not be necessary. There is possibility that the double yellow lines could be removed at the front of the site and normal parking provision reinstated to provide more on street local parking. Overall, it is therefore considered to be acceptable with regard to its impact the highway and in accordance with Policy 9 of the NPPF and Policy 8 of the JCS.

8. Other Matters

8.1 None.

9. Conclusion / Planning Balance

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 The scheme is in keeping with the character of the area and is considered to have an acceptable impact on residential amenity. It will result in the provision of 2 dwellings which add to the stock of housing in Kettering and the housing provision for North Northamptonshire. However the proposal does not provide any off street parking as required by the parking standards. It is considered that there are circumstances in this instance which justify non compliance with the standards. Firstly, the submission of a parking beat survey shows that there is some capacity for on street parking within 200m of the site. Plus, the yellow lines outside the site could be removed in due course which improve local on street parking provision. And finally the central location of the site close to services and public transport means that future occupiers may not access to a car. Therefore, on balance whilst no parking is provided, the development for the reasons outlined above will not have a significant impact on the parking provision and hence highway safety. Overall, it is considered that the scheme therefore complies with Policies 5, 9, 12 and 15 of the National Planning Policy and Policies 8, 9, 11, 29 and 30 of the North Northamptonshire Joint Core Strategy and Saved Policy 35 of the Local Plan for Kettering Borough.

10. Recommendation

- 10.1 It is recommended that planning permission be APPROVED subject to the following Condition(s):-

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. 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 extension, building, structure or other alteration permitted by Classes A, B and E of Part 1 of Schedule 2 of the Order shall be erected on the application site.
REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 6 of the North Northamptonshire Joint Core Strategy.
3. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

4. The dwellings hereby permitted shall not be occupied until cycle parking facilities have been provided within the rear gardens in accordance with the details to be submitted to and approved by the Local Planning Authority.

REASON: To provide adequate cycle parking facilities in line with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. 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 dwellings shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

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

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

12. Informatives

Positive/Proactive - amendments

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	KET Ref.	Agent's Ref	Received Date
Location plan, block plan, site plan, proposed elevations & floor plans		12329-01	09/11/20
Location plan, block plan, proposed elevations & floor plans		PMAPL01.v2	20/05/21
Sustainability Statement	KET/2020/0755/1		30/10/20
Parking Survey	KET/2020/0755/2		01/03/21



Title: KET/2020/0755 - 247 Havelock Street (garages adj), Kettering

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North Northamptonshire Area Planning (Kettering) Committee 29/07/2021

Application Reference	NK/2021/0170
Case Officer	Mark Coleman
Location	43 Northampton Road, Broughton
Development	Full Planning Permission: Double garage with home office above in rear garden
Applicant	Mr T Allen
Agent	Mr C Errington
Ward	Slade
Overall Expiry Date	20/04/2021
Agreed Extension of Time	30/07/2021

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal and an objection has been received from Broughton Parish Council.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission: Double garage with home office above in rear garden
- 2.2 The proposal involves the construction of a double garage to be located to the rear of the host property which is accessed via a shared private drive which serves a

number of properties along Northampton Road. The garage is set back from the shared driveway to provide parking to the front. The building is 1.5 storeys high and provides space in the roof for a home office and toilet and sink. The garage is designed with a traditional ridge roof design.

3. Site Description

- 3.1 The site is located within the settlement boundary of Broughton village to the south. The site is occupied by a two-storey semi-detached property constructed circa 1930-50's, with a double height bay window to the front, arched recessed entrance door and hipped roof with central chimney feature on the party wall shared with the attached property. Due to the relatively large front garden, the dwelling is set back from the highway and follows a rigid building line defined by similar properties located along Northampton Road.
- 3.2 The dwelling has recently been enlarged to the rear with a single and two storey extension which was approved in 2020. The remaining rear garden is relatively long and extends further east/southeast and is mainly laid to level lawn. Due to the topography of the area however, the dwelling sits on land lower than Northampton Road and higher than the rear garden. A shared drive runs the width of the rear garden at its furthest point southeast which serves properties 33 – 69 (odds) Northampton Road; many of these properties have single storey garage / store buildings to the rear which follow various designs. The private access connects with Northampton Road between 47-49 Northampton Road where it is surfaced with tarmac; elsewhere it is unsurfaced in places. Beyond the private access road to the south east opposite the site are properties located on Baker Avenue which are separated by fence and vegetation.

4. Relevant Planning History

- 4.1 KET/2020/0019 - Single and two storey rear extension (Approved 09.03.2020)
- KR/1973/0170 - Construction of vehicular access & hardstanding (Refused 10.12.1973)

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at: <https://www.kettering.gov.uk/planningApplication/search>

- 5.1 Broughton Parish Council
Objection received on 7th June 2021. The slightly lowered roof line remains two storey and is not in-keeping with the local environment and results in overdevelopment of the plot. Policy 3A of the Broughton Neighbourhood Plan requires development to relate to its immediate surroundings.

Objection received on 27th April 2021 - 2 storey building will be out of keeping with neighbouring properties – all garages/outbuildings at rear of Northampton Rd properties are single storey. Fenestration overlooking neighbouring Baker Avenue gardens/properties. Height of building will block light into Baker Avenue gardens

early afternoon. No43 has already had very substantial development to the rear of the property – will this application be an over-development of plot? Raising the roof lights marginally does not counter our previous objections. If approved, building to remain as a garage/outhouse with no change of use to a dwelling.

Objection received on 18th March 2021 - 2 storey building will be out of keeping with neighbouring properties – all garages/outbuildings at rear of Northampton Rd properties are single storey. Fenestration overlooking neighbouring Baker Avenue gardens/properties. Height of building will block light into Baker Avenue gardens early afternoon. No43 has already had very substantial development to the rear of the property – will this application be an over development of plot? If approved, building to remain as a garage/outhouse with no change of use to a dwelling.

5.2 Neighbours / Responses to Publicity

16 comments have been received. The issues raised are summarised below:

Comments of Objection

17 Baker Avenue, Broughton

27.05.2021 - The building is too high; The design results in loss of privacy through overlooking properties/gardens on Baker Avenue and is out of keeping with neighbouring properties with all garages in the area being single storey; Noise / Environmental impact from increase in vehicle movements; The building will be out of keeping with neighbouring properties – all garages/outbuildings at rear of Northampton Rd properties are single storey.

22.04.2021 - Over development of plot is questioned. A two storey building will be out of keeping with neighbouring properties; the site already has sufficient parking on the driveway for 4 vehicles; the proposal will overlook neighbouring Baker Avenue gardens/properties and result in loss of privacy (including our garden); height of the building will block light into Baker Avenue gardens early afternoon.

13.03.2021 - Loss privacy to our property and our neighbours; Noise of additional moving vehicles, currently just manageable with surrounding garages.

14 Baker Avenue, Broughton

27.05.2021 - The building is still going to be an eyesore and impact on the privacy of the houses on Baker Avenue despite a reduction in scale. The alterations will not reduce the noise and cars passing behind the houses.

15.04.2021 - Concerned about traffic using the access behind my property and windows within the 2 story building overlooking the gardens of Baker Avenue.

18 Baker Avenue, Broughton

25.05.2021 –The amended proposal still retains Velux windows which will overlook our property. The proposed building also blocks all sunlight from our garden in the afternoon. Concern raised about building being used as a business which will create noise/vehicle pollution.

20.04.2021 - The two storey building will be out keeping with the neighbouring properties or garages to the rear of them; Height of building will block light out of Baker Avenue gardens in the afternoon; The proposal will result in overdevelopment of the site; Noise and air pollution resulting from people coming to and from the

property to the rear of the existing dwellinghouse. Loss of privacy as natural features will not always remain.

14.03.2021 - noise sound and air pollution; Size and height of proposed building will be overlooking the properties in Baker Avenue; Trees may not always be there to screen from the proposed building; We will not be able to sit in garden because of noise and car pollution if a business is run from the premises

37 Northampton Road, Broughton

23.04.2021 - The height of the proposed garage/home office is too tall and not in keeping the other garages that have been built to the rear of property's on Northampton Road; Loss of privacy our garden and lounge and other properties backing on to the site due to proposed windows proposed to be fitted into the roof.

26.05.2021 – Reducing the height of the building by 1 meter has not changed the fact that the proposed garage/home office is still out of keeping with other garages that have been built to the rear of properties. We still feel that it will adversely affect our privacy to our lounge and garden.

15 Baker Avenue, Broughton

22.05.2021 – The revised plans have not addressed privacy concerns or impact on light into our gardens. Previous objections still stand which include loss of privacy through overlooking of rear garden/property; loss of light to our property noise from vehicle movements using the access road to the rear of the site.

15.04.2021 – loss of privacy through overlooking of rear garden/property; loss of light to our property noise from vehicle movements using the access road to the rear of the site.

16 Baker Avenue, Broughton

23.04.2021 – There are no material changes to our original objections which raised loss of light and shading in our garden owing to the new building which is taller than the current garages located nearby; potential negative effect on the privacy affecting our garden. Concern remains over potential increase in traffic that may result from the use of this home/office.

15.03.2021 - Primary concern is the height of the planned development and impact on potential shading and loss of natural light. In addition, there may be a loss of privacy as the windows in the home office will overlook our garden. This is in contrast to the existing garages which do not overlook us, despite their negative visual impact. The current building work at 43 Northampton Road has resulted in noise and disturbance which could be extended if planning permission is granted. The size of the proposed development will have a negative visual impact.

Comments of Support

45 Northampton Road, Broughton

09.06.2021 -: The back fence of 16 Baker Avenue is two feet from the back hedge of 43- 45 Northampton Road plus the private road.

47 Northampton Road, Broughton

10.05.2021 –: Support the proposed garage.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy

National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

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

6.4 Saved Local Plan for Kettering Borough (1995)

Policy RA3: Rural Area: Restricted Infill Villages

6.5 Broughton Neighbourhood Plan (17th October 2018)

Policy 1: Village Boundary
Policy 3: Development Design

6.6 Emerging Site Specific Part 2 Local Plan

Policy LOC1: Settlement Boundaries
Policy RS1: Category A Villages
Policy RS5: General Development Principles in the Rural Area

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Parking and Highway Safety

7.1 **Principle of Development**

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

7.1.2 Saved Policy RA3 defines Broughton as a Restricted Infill Village, providing support for new residential development where specific criteria is met, including impacts on character, appearance, design, impact on conservation, etc. Although the main focus of this policy is on new residential dwellings, these material considerations are considered further throughout this report (paragraphs 2 – 5). The site is also within the draft settlement boundary set out within the emerging SSP2 Local Plan. This plan is at Publication stage and gone through examination with main modifications

now published by the Inspector. As a result, relevant policies are given significant weight in the decision-making process.

- 7.1.3 Policy 11 of the North Northamptonshire Joint Core Strategy also directs development to existing urban areas and indicate that Broughton as part of Kettering rural is a tertiary focal point for limited development, such as extensions and incidental buildings, after the growth town of Kettering and the smaller towns of Burton Latimer, Desborough and Rothwell. Policy 1 of the Broughton Neighbourhood Plan and emerging Policy LOC1 of the emerging SSP2 Local Plan defines the extent of the settlement within which the application site is located an where development is supported by these policies and emerging Policy RS1 of the emerging SSP2 Local Plan subject to compliance with other policies contained within the Neighbourhood Plan.
- 7.1.4 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network. Policy 3 of the Broughton Neighbourhood Plan also requires that the visual impact of development is acceptable and relates sensitively, whilst respecting its immediate surroundings. In addition, the development of gardens will only be supported where it respects the amenity of neighbouring properties in terms of privacy, daylight, visual intrusion, appropriate levels of parking and retention of mature vegetation/landscape screening. Emerging Policy RS5 of the SSP2 Local Plan states that development in the rural area will reflect the height, scale and mass of neighbouring properties; involve the protection and enhancement of the character of all settlements... Emerging Policy RS1 of the SSP Local Plan also requires for new development to show consideration and be sympathetic to the existing size, form, character and setting of the village and be compatible with other relevant policies within the Part 1 and 2 Local Plans and Neighbourhood Plans. As discussed in sections 7.2-7.4 of this report, the development is not considered to have a significant impact on these matters subject to planning conditions.
- 7.1.5 The existing dwelling also establishes the principle of residential development at the site. Whilst third party objections highlight concern over the use of proposed building for independent commercial purpose, this can be adequately overcome by conditioning the proposed use of the building to remain ancillary to use of the host property (43 Northampton Road, Broughton). Objections have also been received on the grounds of overdevelopment of the site. Although the host property has been recently extended at ground and first floor through planning permission KET/2020/0019, the size of the plot is sufficient to accommodate the proposal without resulting in overdevelopment of the site. As a result, subject to this and other matters discussed throughout this report being secured by planning condition, the proposal is acceptable in principle.

7.2 Visual Impact

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

- 7.2.2 Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.2.3 Saved Policy RA3 of the Local Plan for Kettering Borough states that new development should amongst other things, be appropriate in terms of size, form, character and setting of the village and in terms of the local community and its environment and be compatible with other policies relating to design.
- 7.2.4 Policy 3 of the Broughton Neighbourhood Plan also requires that the visual impact of development is acceptable and relates sensitively, respect and consideration to its immediate surroundings. In addition, the development of gardens will only be supported where it respects the amenity of neighbouring properties in terms of visual intrusion and retention of mature vegetation/landscape screening. In this instance, the existing garden is laid to lawn and no mature vegetation/ landscape screening will be harmed. Other impacts are discussed below.
- 7.2.5 Emerging Policy RS1 of the SSP Local Plan also requires for new development to show consideration and be sympathetic to the existing size, form, character and setting of the village and be compatible with other relevant policies within the Part 1 and 2 Local Plans and Neighbourhood Plans. Emerging Policy RS5 of the SSP2 Local Plan also states that development in the rural area will reflect the height, scale and mass of neighbouring properties; involve the protection and enhancement of the character of all settlements...
- 7.2.6 Objections have been received from a number of third parties together with Broughton Parish Council objecting on the grounds that the proposal will result in a two storey building which by virtue of its scale is out of keeping with the surrounding area and will result in overdevelopment of the site. The Parish Council also infer that the proposal may conflict with Policy 3A of the Broughton Neighbourhood Plan. The issue of overdevelopment has already been discussed in paragraph 7.1.5 of this report.
- 7.2.7 The proposal is in fact 1.5 storeys, with additional home office accommodation provided within the roof space. Due to this, the eaves and ridge height are higher than normal for most garage buildings, but have been reduced by over a metre in height compared to the original proposal in order to mitigate its visual impact. Whilst still higher than most single storey buildings, its position behind existing two storey dwellings from both Northampton Road and Baker Avenue means that it is not readily visible from within the public realm and will not have a significant impact on the character and appearance of the area as it will remain subservient to the principal dwellings which surround it. The footprint of the proposed building is not excessive and commensurate with other incidental buildings located to the rear of other properties on Northampton Road. The site does not fall within the designated Conservation Area of Broughton which would require additional consideration. Subject to planning condition securing external materials which match those used in the construction of the original dwellinghouse and removal or permitted development rights which could allow for alterations/enlargements to the building, given the context of the site, the proposal is considered acceptable in terms of its impact on visual amenity and in accordance with the relevant parts of Sections 2 and 12 of the National Planning Policy Framework, Policy 8 of the North

Northamptonshire Joint Core Strategy, saved Policy RA3 of the Local Plan for Kettering Borough, Policy 3 of the Broughton Neighbourhood Plan, emerging Policies RS1 and RS5 of the SSP2 Local Plan.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.
- 7.3.2 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 3 of the Broughton Neighbourhood Plan also requires that new development respects the amenity of neighbouring properties in terms of privacy and daylight.
- 7.3.3 The proposed building is located on land which sits lower than the houses on Northampton Road and will not have an overbearing impact on habitable rooms within those dwellings. Although the building is built up to the boundaries with properties shared with 41 and 45 Northampton Road, it is located towards the end of the garden where incidental buildings are already located; it is considered that these parts of the gardens are not the principal garden areas used for recreation and impact on their enjoyment in terms of overshadowing or loss of access to natural light will not be significant particularly given morning sun affecting no. 41 Northampton Road and evening sun affecting no. 45 Northampton Road will be unobstructed. In terms of overshadowing/access to natural light impacts on properties located on Baker Avenue (and their gardens) which are orientated southeast/south of the site (with the site located northwest/north of properties on Baker Avenue) the proposed building is considered to be sufficiently distanced and of a scale which will not give rise to significant impact.
- 7.3.4. The scale of the building at 1.5 storeys facilitates habitable space in the roof void to accommodate a home office. The overall height of the building has been reduced by approx. 1.1 metres through negotiation with the case officer and now measures approximately 6.2 metres to ridge and 2.8 metres to eaves. The roof lights have been raised above finished floor levels to approximately 1.8 metres high which is similar height to the average boundary fence, which is considered sufficient to protect neighbouring amenity from overlooking subject to removal of permitted development rights which could otherwise allow for further alteration. Furthermore, the nearest residential building to the proposed building is approximately 25 metres (southeast) and 40 metres (northwest) which is sufficient distance to protect privacy further in terms of back to back visibility, with immediate garden areas protected to a lesser degree (but sufficient level) by the height and angle of the proposed roof lights or separation distance (the nearest boundary proximity of properties on Baker Avenue are approximately 10m from the proposed building).
- 7.3.5 Third party objections raise concern over noise/disturbance associated with additional vehicle movements. As discussed in section 7.1 of this report, a planning condition is recommended to secure use of the building ancillary to the main house which will overcome these concerns which are primarily linked to fears over a

commercial use becoming established. As a result, there is no reason why the proposed building will increase vehicle movements or noise/disturbance above that normally experienced through the use of any other domestic incidental building and such impacts are considered acceptable. As a result, subject to conditions already referred to, the proposal is considered acceptable in terms of its impact on neighbouring amenity and accords with the relevant parts of Section 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 3 of the Broughton Neighbourhood Plan.

7.4 Parking and Highway Safety

- 7.4.1 Section 9, paragraph 108(b) (NPPF) states that when considering applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'*.
- 7.4.2 Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards. Policy 3 of the Broughton Neighbourhood Plan also requires that new development secures appropriate levels of parking.
- 7.4.3 The position of the proposed garage building is located clear of the highway and provides sufficient clearance (approx. 7.4 metres (deep) x 7.1 metres (wide)) between the garage and the established shared access driveway for vehicles to park in front without causing obstruction. As a result of reducing the garage height, the internal garage dimensions have been reduced to measure approx. 3.15 metres < 6.00 metres (wide), by 5.25 metres < 6.2 metres (deep) with further space inside for an internal hallway/staircase. The internal length of the building exceeds dimensions for a single garage space as set out in the Northamptonshire Parking Standards (September 2016), although the width of one of the space falling slightly short by 15 centimetres. However, this itself is not considered fatal given the aforementioned standards are not adopted in policy, and the garage is in addition to off-road parking provided on site which exceeds the aforementioned standards for two parking spaces clear of the shared driveway.
- 7.4.4 Objections received raised concerns over increased traffic on the established private access road and associated highway safety issues. However, the proposal is for an ancillary building which as discussed in sections 7.1 and 7.3 of this report will be conditioned to secure this. As a result, the intensity of vehicle movements associated with the proposed building will be commensurate with the domestic use of the host property and will be acceptable. Subject to this condition, the proposal is considered acceptable with respect of parking and highway safety and accords with the relevant parts of Section 9 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Place Shaping Principles and Policy 3 of the Broughton Neighbourhood Plan.

8. Other Matters

- 8.1 Neighbour comments: Issues raised through third party comments from the occupiers of 14/15/16/17/18 Baker Avenue, Broughton relating to impact on property values/marketability of neighbouring properties or fear of future change of use of the building once approved or concern about approval resulting in a precedent being

set which will further harm the area or loss of view (of the sunset) are not material planning considerations which can be considered further.

9. Conclusion / Planning Balance

- 9.1 The proposal is acceptable in principle and in terms of its impact on neighbouring amenity, visual amenity, parking and highway safety. Although objections have been received with respect of neighbouring amenity, visual amenity, parking and highway safety and overdevelopment, the issues raised are not considered to be so significant that they outweigh the policy support in favour of the proposal. As a result, the subject to planning conditions outlined within this report which secure the use to be ancillary to residential use of the host property (for parking, domestic storage, home office) and external materials used in the construction of the building matching those used in the construction of the existing dwellinghouse, and removal of permitted development rights which could otherwise allow for further alterations, in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class E of Part 1 of Schedule 2 of the Order shall be erected, constructed or made on the application site.
REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
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 dwellinghouse at 43 Northampton Road, Broughton.
REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
4. The building hereby approved shall remain ancillary to the occupation of 43 Northampton Road, Broughton, NN14 1NR and shall only be used for the parking of vehicles or domestic storage associated with the host property and/or a home office for sole use by the occupiers of 43 Northampton Road, Broughton, NN14 1NR.
REASON: In order to prevent the creation of an independent office or commercial use which without proper assessment and control is likely to have a significant and

unacceptable adverse impact on neighbouring amenity and the character of the area which will harm the settlement hierarchy and increase the risk of conflict between pedestrians and vehicles in accordance with Policies 8 and 11 of the North Northamptonshire Joint Core Strategy.

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

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

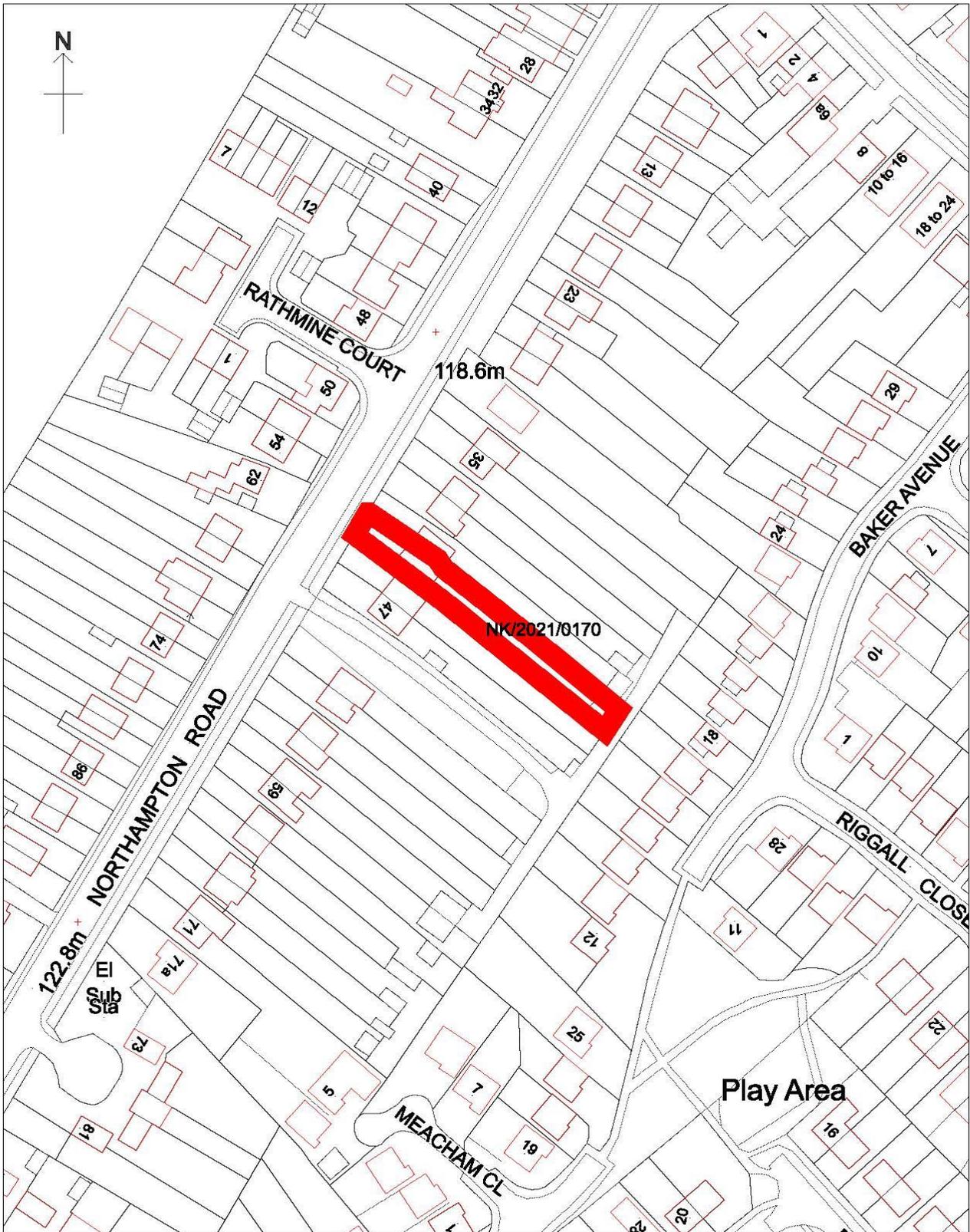
12. Informatives

Positive/Proactive - amendments
Party Wall Etc. Act

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date
Location plan		163-PL00	23.02.21
Block plan		163-PL01	23.02.21
Proposed elevations / floor plans		163-PL02	23.02.21
Block plan		163-PL01 Rev A	08.04.21
Proposed elevations / floor plans		163-PL02 Rev A	08.04.21
Proposed Section Plan		163-PL03 Rev A	08.04.21
Block plan		163-PL01 Rev B	03.05.21
Proposed elevations / floor plans		163-PL02 Rev B	03.05.21
Proposed Section Plan		163-PL03 Rev B	03.05.21



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