


	<p>III) NK/2021/0555: Full Planning Permission: Demolition of garage and erection of 3 no. one bedroom houses</p> <p>IV) NK/2021/0777 s.73A Retrospective Application: Outbuilding in rear garden</p> <p>V) NK/2021/0789 Full Planning Permission: Conversion of dwelling to 2 no. flats</p>	<p>Planning Officer</p> <p>Planning Officer</p> <p>Planning Officer</p>	<p>45 - 57</p> <p>59 – 65</p> <p>67 - 78</p>
Items to note			
05	<p>Delegated officers report</p> <hr/> <p>None</p>		
Exempt Items			
06	None Notified		
07	Close of Meeting		
	<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer 10th November 2021</p>		

*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

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Meetings at the Council Offices

Due to the Covid-19 pandemic seating in the Council Chamber will be limited. If you are intending to attend the meeting as a spectator, please contact the committee administrator

Where there is a need for the Council to discuss exempt or confidential business, the press and public will be excluded from those parts of the meeting only and will have to vacate the room for the duration of that business.

Public Participation

The Council has approved procedures for you to request to address meetings of the Council.

ITEM	NARRATIVE	DEADLINE
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 Wednesday 17 th November 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 Wednesday 17 th November 2021

Please see the [procedures for speaking at the Planning Committee](#) before registering to speak.

If you wish to register to speak, please contact the committee administrator

Members' Declarations of Interest

Members are reminded of their duty to ensure they abide by the approved Member Code of Conduct whilst undertaking their role as a Councillor. Where a matter arises at a meeting which **relates to** a Disclosable Pecuniary Interest, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

Members are reminded that they should continue to adhere to the Council's approved rules and protocols during the conduct of meetings. These are contained in the Council's approved Constitution.

If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at – monitoringofficer@northnorthants.gov.uk

Press & Media Enquiries

Any press or media enquiries should be directed through the Council's Communications Team to NNU-Comms-Team@northnorthants.gov.uk

Public Enquiries

Public enquiries regarding the Authority's meetings can be made to democraticservices@northnorthants.gov.uk

Minutes of a meeting of the Area Planning Committee Kettering

At 7.00 pm on Thursday 28th October, 2021 in the
Council Chamber, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

Present:-

Members

Councillor Mark Rowley (Chair)
Councillor Robin Carter
Councillor Dez Dell
Councillor Paul Marks

Councillor Joseph John Smyth
Councillor Kevin Thurland
Councillor Larry Henson

Officers

Martyn Swann (Principal Planning Manager)
Sean Bennet (Senior Development Office)
Nigel Bell (Legal Representative)
Callum Galluzzo (Committee Administrator)

43 Apologies for non-attendance

Apologies for absence were received from Councillors Elliott Prentice, Cedwien Brown and Ian Jelley.

It was noted that Councillor Larry Henson was acting as a substitute for Councillor Elliott Prentice.

44 Members' Declarations of Interests

None

45 Minutes of the meeting held on 30th September 2021

RESOLVED that the minutes of the meetings of the Area Planning Committee held on 30th September 2021 be approved as a correct record.

46 Applications for planning permission, listed building consent and appeal information*

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. Two speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.

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

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.1 Full Planning Permission: 18 no. dwellings to include gardens, parking, access, infiltration basin and open space to include semi-natural woodland planting and associated works at Harborough Road (land South of), Stoke Albany for Mr J Breese Rosconn Strategic Land</p> <p>Application No: KET/2020/0907</p> <p><u>Speaker:</u></p> <p>Nick Carr attended the meeting and addressed the committee as the applicant for other proposed development stating that through the planning process a constructive and consultative approach had been undertaken in order to fully consult with local residents and Parish Council. Through clarification, Mr Carr stated that the proposed development would include 6 electric vehicle points and that other properties would include fittings where charging points could be installed.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for eighteen dwellings which included gardens, parking, access, infiltration basin and open space which included semi-natural woodland planting and associated works.</p> <p>Members raised questions regarding the lack of pedestrian crossing associated with the development which could have posed a safety concern. It was heard that a transport assessment had deemed the proposal safe. Discussions were due to take place between the planning authority and applicant with regards to members concerns but this safety review fell outside of the committee decision.</p> <p>Following debate it was proposed by Councillor Marks and seconded by Councillor Carter that the application be approved in line with the officer's 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 information detailed below.
3. The development shall be carried out in accordance with the recommendations laid out in the approved Arboricultural Impact Assessment dated 21st April 2021 referenced 201215 0809 AIA V1b compiled by 'Wharton' and the recommendations laid out in the Preliminary Ecological Appraisal dated 9th November 2018 referenced 181109 0809 PEAR V1 as compiled by Wharton.
4. No construction or site clearance works shall take place outside of the following hours. 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.

5. Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.
6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
 - (i) fieldwork in accordance with the agreed written scheme of investigation;
 - (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
 - (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

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

9. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy ref 18172 rev E dated 23.09.21 prepared by Travis Baker, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. These shall include:
 - a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.
 - b) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations. The critical storm duration for each element of the drainage network should be determined by considering a full range of summer and winter storm durations from 15 minutes up to the 10080 minute (7 day) duration.
 - c) In keeping with sustainable development principles, the detailed drainage design should consider the four pillars of a sustainable drainage system, water quality, water quantity, amenity, and biodiversity.

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

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

11. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The property shall not be occupied until the part of the approved scheme that the boundary treatment relates to has been fully implemented in accordance with the approved details.

12. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, any existing trees to be retained, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. A scheme including hedgehog holes in the fencing between gardens, integral and tree-mounted bat and bird boxes and external lighting consistent with the 2018 guidance from the Bat Conservation Trust and Institute of lighting professionals shall also be submitted to and approved in writing by the local planning authority prior to occupation. The works approved shall be carried out in the first planting and seeding seasons following the occupation, 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.

13. The development shall not progress above slab level until details of the types and colours of all external facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
 14. All external walls (including boundary walls) shown as being constructed in natural stone and on the approved drawings shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.
 15. No works shall proceed above slab level until full details of all windows, doors (including their surrounds), porch, rooflights, chimney, verge detailing and rainwater goods 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.
 16. Prior to first occupation if any of the streets (including private driveways) associated with the residential development hereby approved are not proposed for adoption as public highway details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, shall be submitted to the planning authority and agreed in writing prior to last occupation. The streets (excluding the private driveways) shall be constructed to adoptable standards, identified as being private and any vehicular access to the site from public highway shall be implemented as standard vehicle crossover prior to last occupation. The development shall be carried out in accordance with approved details.
- REASON: In the interest of highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

17. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment and Drainage Strategy ref 18172 rev E dated 23.09.21 prepared by Travis Baker has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:
 - a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV confirmation that the system is free from defects, damage and foreign objects.
18. The noise mitigation measures outlined in the approved report A Noise Assessment For Land South of Harborough Road, Stoke Albany dated

December 2020 by Resound Acoustics shall be carried out in full prior to the first occupation of the residential units hereby approved. Rather than the acoustic trickle vents recommended in the report, the dwellings shall be fitted with whole house mechanical ventilation systems, with heat recovery and 'boost' function unless otherwise agreed in writing by discharging this condition whereby the proposal shall be carried out in accordance with the approved details. Where the development is phased any residential units identified as providing a noise barrier for other units shall be completed first. Following completion, no alterations shall be made to the approved structure of the units including roof, doors, windows and external facades, layout of the units or noise barriers.

19. The proposed visibility splays contained in the approved Transport Statement (ADC1940-RP-A-v5, ADC) as per the Proposed Access Junction Layout Plan (ADC1940-DR-004 P8), the six Electric Vehicle Charging points (with infrastructure in place to retrofit the remaining spaces) and the Bin Collection points shall be made available prior to last occupation of the development and remain in that state thereafter.
20. All of the dwellings shall be constructed to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);
21. With regard to Plot 1 and 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 upper floor side elevation of the building at any time without the grant of planning permission. The approved upper floor opening shall be fitted with obscure glaze and non-opening below and internal floor height of 1.7m and remain in that form thereafter.

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

(Voting: Unanimous)

The application was therefore
APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.2 Full Planning Permission: 2 no. French doors with sidelights to replace some windows and doors to front elevation, repairs and reconstruction of some external walls, replace front entrance door and windows, external timber enclosure around heating system, replace timber fence with a brick wall and entrance gates at Chestnut Cottage, Warkton for Ms C Merrington</p> <p>Application No: NK/2021/0649</p> <p><u>Speaker:</u></p> <p>Christina Merrington attended the meeting and addressed the committee as the applicant for the proposed development reinforcing her intention to respect the properties heritage.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the installation of 2 no. French doors with sidelights to replace some windows and doors to front elevation, repairs and reconstruction of some external walls, replace front entrance door and windows, external timber enclosure around heating system, replace timber fence with a brick wall and entrance gates</p> <p>Members agreed that the application was satisfactory and raised no objection in contrary to the officers recommendation to approve the application</p> <p>Following debate it was proposed by Councillor Marks and seconded by Councillor Dell that the application be approved in line with the officer's 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 the diamond brickwork feature and the brick 'soldier course' with alternating light/dark (blue) bricks features as shown on Drawing Number RCAL/2102-06E and thereafter permanently retained.
3. No external works shall take place on site until full details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. The window details shall include glazing bar details at 1:2. The development shall not be carried out other than in accordance with the approved details and thereafter permanently retained.
4. No external development shall commence on site until details (together with samples) of the types and colours of all materials to be used for the construction of the boundary wall (as shown on Drawing Number RCAL/2101-200) have been submitted to and approved in writing by the Local Planning Authority. The

development shall not be carried out other than in accordance with the approved details and thereafter permanently retained.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 of the Order shall be erected, constructed, or made on the application site.

14. The following works including the demolition or conversion of the barns as shown on the approved drawings shall not in any circumstances commence unless 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 2019 authorising the specified activity/development to go ahead; or
 - b) Written confirmation from Natural England that the application site has been registered with the Bat 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.

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

(Voting: Unanimous)

The application was therefore
APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.2 Application for Listed Building Consent: 2 no. French doors with sidelights to replace some windows and doors to front elevation, repairs and reconstruction of some external walls, replace front entrance door and windows, erect external timber enclosure for heating system, replace timber fence with a brick wall and entrance gates. Internal alterations to bathrooms, kitchen, staircase, ceilings and heating provision at Chestnut Cottage, Warkton for Ms C Merrington</p> <p>Application No: NK/2021/0650</p> <p><u>Speaker:</u></p> <p>Christina Merrington attended the meeting and addressed the committee as the applicant for the proposed development reinforcing her intention to respect the properties heritage.</p>	<p>Members received a report about a proposal for which listed building consent was being sought for 2 no. French doors with sidelights to replace some windows and doors to front elevation, repairs and reconstruction of some external walls, replace front entrance door and windows, erect external timber enclosure for heating system.</p> <p>Members agreed that the application was satisfactory and raised no objection in contrary to the officers recommendation to approve the application</p> <p>Following debate it was proposed by Councillor Marks and seconded by Councillor Dell that the application be approved in line with the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The works to which this consent relate shall be begun before the expiration of 3 years from the date of this consent.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and the diamond brickwork feature and the brick 'solider course' with alternating light/dark (blue) bricks features as shown on Drawing Number RCAL/2102-06E and thereafter permanently retained.
3. No external works shall take place on site until full details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. The window details shall include glazing bar details at 1:2. The development shall not be carried out other than in accordance with the approved details and thereafter permanently retained.
4. No external development shall commence on site until details (together with samples) of the types and colours of all materials to be used for the construction of the boundary wall (as shown on Drawing Number RCAL/2101-200) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and thereafter permanently retained.

14. The following works including the demolition or conversion of the barns as shown on the approved drawings shall not in any circumstances commence unless 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 2019 authorising the specified activity/development to go ahead; or
 - b) Written confirmation from Natural England that the application site has been registered with the Bat 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.

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

(Voting: Unanimous)

The application was therefore
APPROVED

50 Delegated Officers Report

None

51 Close of Meeting

The meeting closed at 7.28 pm

Chair

Date

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**North Northamptonshire Area Planning Committee
(Kettering)
Thursday, 18 November, 2021 at 7.00pm
Council Chamber, Municipal Office**

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	Application	Location
4.1	NK/2021/0043	Agricultural Yard, Kettering Road (land off), Thorpe Malsor
4.2	NK/2021/0507	49 Greening Road, Rothwell
4.3	NK/2021/0555	Former mechanic garage, Crown Street, Kettering
4.4	NK/2021/0777	49 Greening Road, Rothwell
4.5	NK/2021/0789	98 Lower Street, Kettering

North Northamptonshire Area Planning (Kettering) Committee 18/11/2021

Application Reference	NK/2021/0043
Case Officer	Louisa Johnson
Location	Agricultural Yard, Kettering Road (land off), Thorpe Malsor
Development	Full Planning Permission: Demolition of existing agricultural building and erection of new grain store building
Applicant	Thorpe Malsor Farms
Agent	Miss L May Berrys
Ward	Slade
Overall Expiry Date	21/04/2021
Agreed Extension of Time	22/11/2021

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.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Full Planning Permission: Demolition of existing agricultural building and erection of new grain store building.

3. Site Description

- 3.1 The site is an agricultural yard owned by Thorpe Malsor Farm, there are currently a number of old agricultural buildings within the yard which are used for the storage of agricultural machinery and grain.
- 3.2 The site is north of Thorpe Malsor village and outside the village boundary, the site is also outside the conservation area and has no listed buildings within it.

4. Relevant Planning History

- 4.1 List all previous planning applications as follows:

None

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>

A short reconsultation has been carried out on the Operational Dust Assessment submitted on 25/10/21. Any further responses received will be reported in the Committee Update.

5.1 Thorpe Malsor Parish Council

The council has concerns regarding the potential impact on the amenity of nearby residents with regard to noise levels and possibly dust. The movement of trailers during the late evening during harvest might also be an issue for nearby residents.

From the application submitted it is not clear if any grain drying is currently carried out in the building proposed for demolition, and we note that the Borough Council's Environmental Protection Team Leader has also raised concerns regarding the noise levels associated with grain driers. From the further information supplied it is unclear how many fans would be installed in the fan house and the plans do not include information to indicate if soundproofing would be implemented, as is recommended in the manufacturer's fan house design advice.

We acknowledge that we do not have the knowledge to judge the potential impact of noise and/or dust and will therefore rely on the expert opinion of the Environmental Health team with regard to these concerns. If the application is granted we ask that suitable soundproofing is included as a condition.

From the block plan it appears the footprint of the proposed grain store will be more than double that of the existing building. The height of the current building is also not included on the drawings, so it is difficult to gauge the visual impact of the proposal.

In general we consider that replacement of the old, dilapidated building would be an improvement, however the proposed new store would be a considerably larger, modern building and we ask that consideration be given to the inclusion of some landscaping measures to the east, to soften the visual impact, improving the outlook of homes in The Square and the approach from Kettering. This might also help to mitigate potential noise and dust impacts.

Thorpe Malsor is a rural village with a working farm at its heart and for many residents the activities associated with livestock and agriculture are an ever present, valued feature of the daily life of the village. However some residents in The Square have expressed fears to councillors about the potential environmental issues associated with this application and the parish council shares these concerns.

5.2 Neighbours / Responses to Publicity

Three objections have been received. The issues raised are summarised below:

The impact of noise and light pollution from the construction and future operations of the grain store will have an impact on the whole village, as it is a small and compact location.

The site access is on a main route to local schools and places of work, with many vehicles travelling at up to then 60mph speed limit. This would no doubt cause potential for accidents, as the access point is on a bend and within close proximity to a junction. the road being narrow, and with slow moving or stationery agricultural or construction make it unsuitable.

The increased dust caused by the drying process will settle on local residences and vehicles causing damage and antisocial impact, but also has serious health implications for those with respiratory conditions, and the vulnerable residents in the nearby bungalows, who have conditions that will make them anxious and unduly unsettled.

The ecological and environmental impact will undoubtedly significant, which will affect the road surfaces, drainage, flora and fauna. There are many species of wildlife within close proximity to the proposed site, and creatures such as bats must be considered by the increase in light and noise.

The only playground where families and children can play and meet in safety, is within 300m of the site, and the increase in noise, dust and traffic can only have a negative impact.

The noise of the drying process, round the clock traffic, dust and any increase of lighting will also have a negative impact on the lifestyle of many residents. The effect on outdoor activity will be detrimental, and will cause damage to property, including vehicles, furniture, planting and laundry.

Many people choose to invest in property here as it is a charming and historic place to live, however, the quiet and rural charm will be decimated by the construction, and ongoing operations of this grain store. We believe that the above points must be considered before this application proceeds, and that a development of this type is completely inappropriate within such close proximity to dwellings, and that a more suitable site should be selected.

The potential for odour impact beyond the site boundary.
The potential of drainage / flooding issues which are already experienced in properties in the village when rainwater flows down from the application site to Church Lane. To add a further operation of this nature which will increase water flow at the proposed site thus increasing the flooding issues.

The Council should require landscaping measures to the sides of the proposed new building visible to the adjoining residential properties which will help to ameliorate the auditory and visual impact and possibly also the dust nuisance.

Visual Impact - The proposed development is both twice the size (floor space) and twice the height. There is no reference to the height of the current building, but it is estimated it is no more than 5 m high, the planned building is nearly 10.5 metres high. This will have a huge impact upon the current outlook of the neighbouring residential properties.

5.3 Local Highway Authority (LHA)

The LHA have no objections subject to the following conditions requested in the interest of highway safety.

Conditions

- i. A Demolition and Construction Management should be provided.
- ii. The access surface should be made good i.e. into a hard bound surface for a minimum of the first 10m from the highway boundary. This prevents loose material such as mud being transferred to the public highway where it is a danger, particularly to cyclists and motorcyclists.
- iii. A means of drainage across the back of the highway boundary (linear drain), across the proposed site access draining to soakaways contained within the applicant's own land is required. It is unlawful for surface water to drain from private property onto the public highway.

5.4 Environmental Protection

The noise assessment report indicates that noise from this development should not pose problems, provided that the development is constructed as described, and the additional noise mitigating measures identified in the report are implemented.

The Dust Assessment submitted on the 29/09/21 indicates that dust from construction should not pose problems, subject to the mitigation measures in the report being implemented.

The Operational Dust Assessment submitted on 25/10/21 provides a more detailed assessment than the previous report regarding the risk of adverse impacts due to dust emissions from the grain drying and conditioning process. However, there are still some key pieces of information missing that make it difficult to determine if the assessment has drawn reasonable conclusions and that the proposed development adequately protects the quality of life, safety and health of the community.

We do not have any objections to the principle of the grain store, however, we would recommend attaching a condition to any consent that is given to enable further information about the dust emissions and any necessary mitigation to be submitted and approved prior to construction commencing. It is envisaged that any physical mitigation that is required could be incorporated within the proposed structure or would be achieved through management of the operation.

5.5 NNC Ecology

The bat survey has been reviewed and it is considered that neither a bat licence nor mitigation will be required in this case.

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) (2021)

Policy 2: Achieving a sustainable development

Policy 11: Making effective use of land

Policy 12: Achieving well-designed places

Policy 15: Conserving and enhancing the natural environment

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

Policy 1 – Presumption in Favour of Sustainable Development

Policy 3 – Landscape character

Policy 2 – Historic Environment

Policy 4 – Biodiversity

Policy 8 – North Northamptonshire place shaping principles

Policy 9 - Sustainable Buildings

Policy 11 – Network of urban and rural areas

Policy 25 - Rural Economic Development and Diversification

6.4 Emerging Site Specific Part 2 Local Plan

LOC1 – Settlement Boundaries

RS1 – Category A Villages

RS4 – Development in the Open Countryside

RS5 – General Development Principles in the Rural Area

THM1 – Thorpe Malsor Development Principles

- 6.5 Saved Policies in the Local Plan for Kettering Borough (LPKB)
Saved Policy 7 - Protection of the Open Countryside
Policy RA3 - Rural Area: Restricted Infill Villages

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Flood Risk and Drainage
- Ecology

7.1 Principle of Development

- 7.1.1 The proposal involves the demolition of an existing agricultural building and the erection of new grain store building.
- 7.1.2 The application site is located outside the village boundary of Thorpe Malsor and therefore constitutes open countryside. Thorpe Malsor is a Category A village as defined by emerging policy R1 of the Emerging Site Specific Part 2 Local Plan or a restricted infill village as defined by Saved Local Plan Policy RA3.
- 7.1.3 Saved Policy 7 of the Kettering Local Plan seeks to deter development within the open countryside. Emerging Policy RS4 of the Emerging Site Specific Part 2 Local Plan states that ‘Development in the open countryside will be resisted, unless; a) It meets the requirement of Policy 13, 25 or 26 of the North Northamptonshire Joint Core Strategy.
- 7.1.4 Policy 25 of the NNJCS states that “Sustainable opportunities to develop and diversify the rural economy that are an appropriate scale for their location and respect the environmental quality and character of the rural area will be supported. Encouragement will be given towards: a) The development and diversification of agricultural and other land based businesses including locally sourced produce and increasing use of sustainable food production methods.”
- 7.1.5 The site is currently an agricultural yard in use for farm purposes, the proposal is to provide a new grain store and drying barn which provide improved facilities for the farm.
- 7.1.6 Subject to detailed consideration of the impact of the change of use and works, having an acceptable impact on the character and appearance of the area and residential amenity the development is considered acceptable in principle.

7.2 Visual Impact

- 7.2.1 Policy 8 d) of the NNJCS requires development to respond to the site’s immediate and wider contexts such as the overall form, character and landscape setting, a view reinforced by policy 12 of the NPPF.
- 7.2.2 The proposed barn would be located further forward in the site than the existing building and would be closer to the Kettering Road than to the

village. The barn would move so that it would be 20m away from the southern boundary with the village which is formed by agricultural buildings at Lancefield House and Home Farm, the existing building is currently approximately 9.2m away. The building is further away from the nearest residential properties, the existing building being approximately 54m away from residential properties on The Square.

- 7.2.3 The proposed barn would measure approximately 30.4m wide, 24.4m deep and 10.4m in height with an asymmetric roof; and a fan house projection measuring approximately 6.1m wide by 6.1m deep and 5.2m high. The building is larger than the existing building which has a footprint of approximately 19.5m by 18m with a 3.5m x 3m fan room.
- 7.2.4 The Parish Council has raised concerns regarding the visual impact of the proposed building and neighbours have objected due to the increased size of the building and its visual impact.
- 7.2.5 The building is largely screened from the village by agricultural buildings at Lancefield House and Home Farm. The building would be visible from properties at The Square, however the nearest residential property would be 4a The Square which would be 62m away.
- 7.2.6 It is acknowledged that the proposed building is larger than the existing building, however there is an existing working farmyard on the site with an existing building which forms an existing relationship with residential dwellings. The existing building is approximately 54.8m away from residential properties and the proposed building would be 62m away from residential properties. As such it is considered that the proposal is in keeping with the character of the site as a working farm within the countryside. Furthermore, given the separation distances and as this is a working farm in the open countryside, it is considered that it would be unreasonable and unfeasible to require landscaping around the proposed building.
- 7.2.7 The works would therefore respect the character and appearance of their surroundings in accordance with policy 8 of the NNJCS and policies 2, 11 and 15 of the NPPF.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Policy 8 of the JCS requires development not to result in an unacceptable impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.
- 7.3.2 The nearest residential properties would be 4a The Square which would be approximately 62m away and 7 The Square which would be 72m away. The rest of the village is largely screened from the building by agricultural buildings at Lancefield House and Home Farm.
- 7.3.3 The Parish Council has raised concerns and objections have been received from neighbours on the grounds that the proposal would result in noise and

dust from the construction and future operations of the grain store, cause odour problems and light pollution.

- 7.3.4 The applicant has submitted a Noise Impact Assessment Report, a Dust Assessment and an Operational Dust Assessment report, all three reports have been considered by the Council's Environmental Protection Officer.
- 7.3.5 The Environmental Protection Officer considers that subject to the proposed mitigation measures being implemented the proposed development would be acceptable in terms of noise and would not have a detrimental impact on neighbouring residents. A condition is recommended requiring the development to be carried out in accordance with the submitted noise report.
- 7.3.6 It is noted that the occupant of 4a The Square raised concerns regarding the noise assessment, stating that they had no knowledge of noise measurements being taken at the wall of their property. However, having reviewed the Noise Impact Assessment Report (part 3 Acoustic Survey) it states that measurements were taken in one location ML1, which corresponds to the rear of the existing barn on the site and not 4a The Square.
- 7.3.7 The Environmental Protection Officer has advised that they would not expect a development of this type to cause odour issues.
- 7.3.8 In regard to dust the Environmental Protection Officer considers that dust from construction has been adequately addressed subject to mitigation measures. In regard to dust from the operation of the development, the Environmental Protection Officer does not have any objections to the principle of the grain store, however, they consider that there are still some key pieces of information missing from the report. They have recommended imposing a condition to enable further information about the dust emissions and any necessary mitigation to be submitted and approved prior to construction commencing. It is considered that any physical mitigation that is required could be incorporated within the proposed structure or would be achieved through management of the operation.
- 7.3.9 Officers recommend that the following condition should be attached to any consent that is given:

Prior to the commencement of construction an assessment of the impact of dust from the operation of the development on the quality of life, safety and health of the community shall be submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall identify the impact of the proposed development with respect to operational dust emissions and any proposed mitigation measures. Once approved the mitigation measures shall be implemented in full prior to the first occupation of the development and retained at all times thereafter unless otherwise agreed by the Local Planning Authority.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity and to protect public

health in accordance with Policy 8.e), i). & ii). of the North Northamptonshire Joint Core Strategy.

- 7.3.10 The application does not include details of any external lighting, however a condition requiring the submission of details of any external lighting for the proposed building can be attached to protect the amenity of neighbouring residents.
- 7.3.11 Objections were also raised on the grounds that the proposed building would harm the outlook of neighbouring residents, however the nearest neighbouring property would be 62m away and this property would still have other views. As such it is considered that the proposal would not harm the outlook of neighbouring residents and private views are not protected.
- 7.3.12 Subject to the recommended conditions it is considered that there will be no unacceptable impact on the amenity of neighbouring residents through this proposal in accordance with policy 8 of the NNJCS.

7.4 Highways Matters

- 7.4.1 Policy 8 b) ii) of the NNJCS 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 site has an existing vehicle access from Kettering Road and the site will continue to use the existing access.
- 7.4.3 Highways have no objections subject to conditions requested in the interest of highway safety - securing a Demolition and Construction Management Plan, Access Surfacing and Means of drainage.
- 7.4.4 Objections from third parties have been raised on the grounds that: “the site access is on a main route to local schools and places of work, with many vehicles travelling at up to the 60mph speed limit. This would no doubt cause potential for accidents, as the access point is on a bend and within close proximity to a junction. the road being narrow, and with slow moving or stationery agricultural or construction make it unsuitable and the only playground where families and children can play and meet in safety, is within 300m of the site, and the increase in noise, dust and traffic can only have a negative impact.”
- 7.4.5 However as discussed above the access is an existing access to a working farmyard, and Highway’s consider that subject to the above conditions the access is safe.
- 7.4.6 Therefore, subject to conditions securing the provision of a Demolition and Construction Plan, surfacing of the access and means of drainage, it is

considered that the application is acceptable in terms of highway safety and access in accordance with policy 8 of the NNJCS.

7.5 Flooding

- 7.5.1 The site is in Flood Zone 1, the lowest risk zone and is not at risk of ground water flooding. The site and most of the village of Thorpe Malsor is at low risk of surface water flooding according to the Lead Local Flood Authority mapping.
- 7.5.2 Objections have been received on the grounds that the proposal would worsen existing drainage / flooding issues which are already experienced in properties in the village when rainwater flows down from the application site to Church Lane.
- 7.5.3 Whilst the site is not at risk of surface water flooding it is considered that a condition requiring details of how surface water run off from the building would be dealt with can be attached. This should ensure that water running off from the site does not run towards residential properties and worsen any existing surface water drainage / flooding issues.
- 7.5.4 It is considered that subject to a condition regarding surface water drainage, the proposal would be acceptable in terms of flooding in accordance with policy 8 of the NNJCS.

7.6 Ecology

- 7.6.1 Policy 15 of the NPPF requires Local Planning Authorities to aim to conserve and enhance biodiversity by permitting development only where significant harm can be avoided. This is enforced through Policy 4 of the North Northamptonshire Joint Core Strategy that states development should be refused if significant harm cannot be avoided, mitigated or compensated.
- 7.6.2 An objection has been received on the grounds that: “the proposal would have a significant impact on ecology and the environment. The development would affect the road surfaces, drainage, flora and fauna. There are many species of wildlife within close proximity to the proposed site, and creatures such as bats must be considered by the increase in light and noise.”
- 7.6.3 The applicant has submitted a bat survey as the proposal would involve the demolition of an existing barn. The Council’s Ecology Officer has reviewed the bat survey and considers that neither a bat licence nor mitigation will be required in this case.
- 7.6.4 The proposed building would be built on an existing working farmyard and would not result in the loss of undeveloped land and as such it is considered the impact on biodiversity would be limited.
- 7.6.5 It is considered that the proposal is acceptable in terms of biodiversity in accordance with policy 8 of the NNJCS.

8. Other Matters

8.1 None

9. Conclusion / Planning Balance

9.1 In light of the above the application is considered to comply with the Development Plan with no other material considerations that would justify coming to an alternative view.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as submitted.

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

4. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.
REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

5. Prior to the commencement of construction an assessment of the impact of dust from the operation of the development on the quality of life, safety and health of the community shall be submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall identify the impact of the proposed development with respect to operational dust emissions and any proposed mitigation measures. Once approved the

mitigation measures shall be implemented in full prior to the first occupation of the development and retained at all times thereafter unless otherwise agreed by the Local Planning Authority.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity and to protect public health in accordance with Policy 8.e), i). & ii). of the North Northamptonshire Joint Core Strategy.

6. No development above slab level shall take place on site until details of the access surfacing (for a minimum of the first 10m from the highway boundary) and means of drainage across the back of highway boundary (linear drain) have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby permitted is commenced, or the building is occupied, whichever is the sooner.

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

7. The development shall be carried out in accordance with the Noise Impact Assessment Report P4774-R1-V1 dated 23/06/2021.

REASON: To ensure that the buildings, structures and plant are adequately sound proofed in the interests of the amenities of the occupants of nearby premises in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The development shall be carried out in accordance with the Dust Assessment P4773-R1-V2 dated 21/09/2021.

REASON: In the interests of the amenities of the occupants of nearby premises in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

10. Prior to the commencement of development a scheme for the provision of the surface water drainage shall be 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 scheme.

REASON: To prevent pollution of the water environment in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

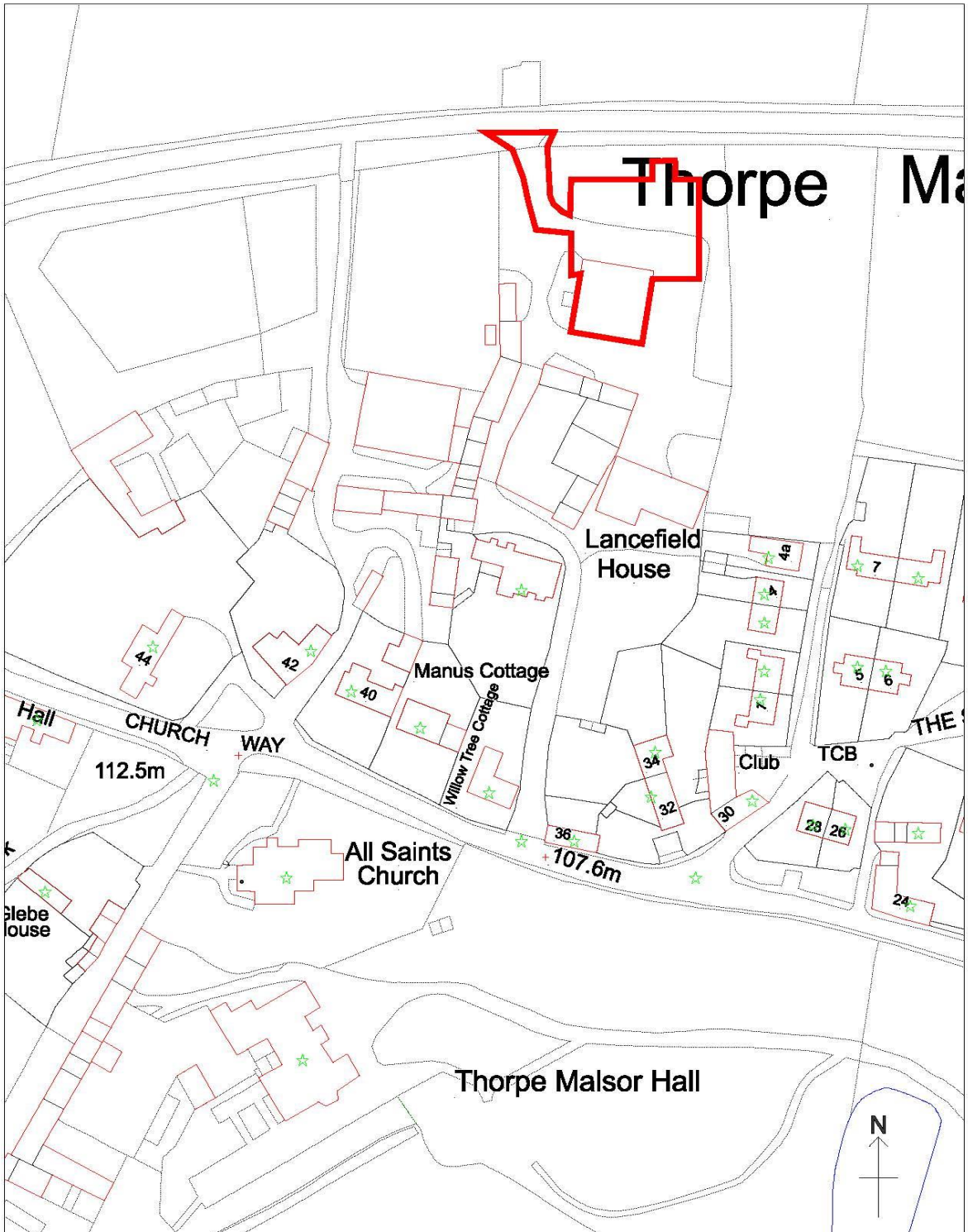
12. Informatives

Positive/Proactive - amendments
Building Regulations consent required

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		KA39414-01A	17/02/21
Block plan		KA39414-02A	17/02/21
Proposed elevations		KA39414-04A	17/02/21
Proposed floor plan		KA39414-03A	17/02/21
Land ownership plan		MAUNS005.002	24/02/21
Planning statement		KA39414	18/01/21
Photos existing elevations	NK/2021/0043/1		17/02/21
DTC5 Sound Levels	NK/2021/0043/2		19/03/21
Covering Email	NK/2021/0043/3		19/03/21
Protected Species Survey April 2021	NK/2021/0043/4		30/04/21
Acoustic Report		P4774-R1-V1	30/06/21
Dust Report		P4773-R1-V2	29/09/21
Operational Dust Assessment		P4773-R1-AD1	25/10/21



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**North Northamptonshire Area Planning (Kettering)
Committee
18/11/2021**

Application Reference	NK/2021/0507
Case Officer	Natalie Westgate
Location	49 Greening Road, Rothwell
Development	Full Planning Permission: Change of roof from hip to gable to both sides with conversion of roof space to a habitable room and insertion of windows to both sides and rooflights to front and rear
Applicant	Mr G Singh Bhamra
Agent	Mr Hardip Bansal PH Design London Limited
Ward	Rothwell
Overall Expiry Date	17/08/2021
Agreed Extension of Time	19/11/2021

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.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Change of roof from hip to gable to both sides with conversion of roof space to a habitable room. Insertion of windows to both sides and rooflights to front and rear elevations.

3. Site Description

3.1.1 The application site lies on the south western side of Rothwell within a residential area. The site is situated on the eastern side of Greening Road. The application property is a two storey detached dwelling with pebbledash, tiled roof and white upvc windows. The dwelling benefits from an existing two storey rear extension which is pebble dashed.

3.1.2 The site is open to the front with a driveway. The site sits within a reasonably large plot surrounded by fencing to the side and rear boundaries to all neighbouring properties. In the rear garden there is a large brick outbuilding which is subject to another planning application and a timber outbuilding.

3.2 Site constraints

3.2.1 None

4. Relevant Planning History

4.1 NK/2021/0777 – Outbuilding in rear garden – Pending

4.2 KET/2012/0043 – Certificate for Lawfulness Proposed: Roof extension to provide habitable room – Refused - 12/07/2012

4.3 KET/2007/1153 - Two storey rear extension – Approved - 31/01/2008

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 Rothwell Town Council

Strongly object on the grounds that it is an overdevelopment in the proposed location and the loss of privacy on neighbouring properties.

5.2 Neighbours / Responses to Publicity

6 objections (from 4 households). The issues raised are summarised below:

- Overdevelopment
- Loss of privacy to No's.29, 31 and 53
- Overlooking to No.53
- Loss of light to No's.29 and 31
- Questioned why the increase in lights
- Increase in noise
- There is an outbuilding that is being lived in at the rear garden

- The application is retrospective

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) (2021)
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 Local Plan

Kettering Saved Policy 35. Housing: Within Towns

6.5 Emerging Policy - Site Specific Part 2 Local Plan

LOC1 Settlement Boundaries

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

7.1.2 The site is located within the designated town boundary of Rothwell; the scheme would therefore strengthen the network of settlements within the borough in compliance with Policy 11 of the North Northamptonshire Joint Core Strategy.

7.1.3 Local Plan Policy 35 supports compatible residential development within town boundaries, subject to all other policies in the Plan being satisfied.

7.1.4 Emerging Policy LOC1 of the Site Specific Part 2 Local Plan is generally supportive of residential development within settlement boundaries subject to their compliance with the listed policy criteria and all other development plan policies.

- 7.1.5 The Site Specific Part 2 Local Plan is at an advanced stage with the Local Plan now moving forward for full adoption status in the next month. Accordingly, these policies are now given significant weight at this time.
- 7.1.6 The place making principles outlined in Policy 8 of the North Northamptonshire Joint Core Strategy 2011–2031 state that development should ensure quality of life and safer and healthier communities by protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties, or the wider area. This is considered in further detail below.
- 7.1.7 Subject to detailed consideration being given to the impact of the proposed works, having an acceptable impact on the character and appearance of the area and residential amenity, and ensuring it complies with national and local policies, detailed above, the principle of development is considered acceptable.
- 7.2 Visual Impact**
- 7.2.1 Policy 8(d) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.2.2 The dwelling is set back from the streetscene. This locality consists of primarily two storey and single storey large detached and semi-detached dwellings of varying house types and designs set within spacious plots. There have been extensions on numerous dwellings within the locality. The application property benefits from a two storey rear extension.
- 7.2.3 The proposed extension to the roof of the dwelling would enable additional habitable space. Works to the roof have commenced. The extension would result in the hipped roof being extended to form a gable end roof with a flat section in place of the ridge which would be same height of the existing roof, albeit with more bulky width in roof at the front and rear elevations. The proposed materials would match the existing dwelling and a condition is recommended to ensure the proposed extensions are in keeping with the dwelling.
- 7.2.4 The application also seeks insertion of windows to both sides and rooflights to front and rear elevations which would be minor alterations. The proposed white upvc would be in keeping with the other windows on the dwelling. The side windows within the roof extension are illustrated on the approved plans as being obscurely glazed and it is recommended this forms a condition to ensure they remain obscurely glazed. A neighbouring occupier remarked there would be an increase in lighting but there is no external lighting illustrated on the plans. There is no reason why a roof extension would increase noise to the area.
- 7.2.5 For the reasons and conditions given above it is considered that the proposal will be in keeping with the character and appearance of the

dwelling and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 Impact on Neighbouring Amenity

7.3.1 Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of overbearing, loss of light or overlooking.

7.3.2 The neighbouring property, No.31 is in line with the front of the application dwelling and set further back at the rear of the property. No.31 is set off the common boundary to the application site and there is adequate boundary treatment of a high fence between the sites. The proposed roof extension would not extend further out than the existing depth of the dwelling so there would not be a further loss of light from the proposal to the neighbouring property No.31 or its neighbour No.29. The proposed side window on the roof extension facing this property would be obscurely glazed and a condition is recommended to ensure there is no overlooking or loss of privacy from the proposed side window to the neighbouring property, No.31 or its neighbour No.29. There would continue to be mutual overlooking into the front and rear gardens. The proposed development would have a negligible impact upon living conditions of the neighbouring property at No.31 and No.29.

7.3.3 The neighbouring property, No.53 is situated further back in relation to the application dwelling. Both dwellings are set off the common boundary and there is adequate high fencing between the sites. The proposed roof extension would not extend further out than the existing depth of the dwelling. The proposed side window on the roof extension facing this property would be obscurely glazed and a condition is recommended to secure this and ensure there is no overlooking or loss of privacy from the proposed side window to the neighbouring property, No.53. There would continue to be mutual overlooking into the front and rear gardens. The proposed development would have a negligible impact upon living conditions of the neighbouring property at No.53.

7.3.4 For the reasons given above it is considered that the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy in that it does not result in an unacceptable impact on the amenities of future and surrounding occupiers.

8. Other Matters

8.1 None

9. Conclusion / Planning Balance

9.1 For the reasons given above and subject to the recommended conditions , the proposal would be acceptable in terms of character, appearance, and impact on living conditions.

10. Recommendation

- 10.1 Subject to conditions including securing that the development is carried out in accordance with the approved plans, materials to match the existing dwelling and both side windows within the roof extension to be obscure glazed, the proposal is recommended for approval.

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	NK/2021/0507/1		16/06/2021
Block Plan	NK/2021/0507/2		22/06/2021
Existing elevations / floor plans / roof plan & Proposed elevations / floor plans / roof plan		221008-P-0001.R05	22/06/2021

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

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

4. The windows on both side elevations of the roof extension shall be non-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking and 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	NK Ref.	Agent's Ref	Received Date
Location Plan	NK/2021/0507/1		16/06/2021
Block Plan	NK/2021/0507/2		22/06/2021
Existing elevations / floor plans / roof plan & Proposed elevations / floor plans / roof plan		221008-P-0001.R05	22/06/2021



Title: 49 Greening Road, Rothwell

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**North Northamptonshire Area Planning (Kettering)
Committee
18/11/2021**

Application Reference	NK/2021/0555
Case Officer	Natalie Westgate
Location	Former mechanic garage, Crown Street, Kettering
Development	Full Planning Permission: Demolition of garage and erection of 3 no. one bedroom houses
Applicant	Mr Patel, Affable Properties Ltd
Agent	Mr Dipesh Surti Plan My Property
Ward	All Saints
Overall Expiry Date	26/10/2021
Agreed Extension of Time	19/11/2021

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.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Demolition of garage and erection of 3 no. one bedroom houses.

3. Site Description

3.1.1 The application site is in the town centre of Kettering. The vacant disused garage site is situated on the north western side of Crown Street. The surrounding area is residential.

3.2 Site constraints

3.2.1 None

4. Relevant Planning History

4.1 None relevant

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 Kettering Town Council

Objection on the grounds that this represents over development of the area. A smaller number of larger houses would be more appropriate. This development will put further pressure on parking availability in the street. There would be artificial grass but it would prefer to see this balanced by tree or shrub planting to improve bio-diversity.

The application needs to address cycle storage provision, sustainable development principles and there should be a condition addressing contamination risk.

5.2 Neighbours / Responses to Publicity

1 letter has been received. The issues raised are summarised below:

- Although there are no windows in the side elevation, there are dormer windows in the roof which may overlook our church rooms
- There should be boundary fence to replace the removal of the brick building
- Car Parking has been addressed but I need to reiterate when hiring our church rooms hirers also hire a car parking space and as a Trust we are fearful that residents/visitors will use our car park as an overflow. The existing free car parking in Crown Street/Lindsay Street does not stop people parking in our car park. We have looked into either barriers to our car park or hiring a car parking company but these options are either not practical or affordable.
- Concern when building works commence where the vehicles will park
- Cycle store has been addressed
- There is or was a fuel tank under this property so we would be pleased to receive assurance that if this is the case it will be dealt with properly with no risk to adjoining properties

- Bin store – it appears there is only 2 bin stores per household when there are currently 3 bins per household in Kettering

5.3 Local Highway Authority (LHA)

Tarmac surface would be acceptable. It is noted two trees adjacent to the access have been removed and are replaced with low level planting and provided there's a 1m (min. 0.5m) offset of any planting/shrubs/hedges etc. from the highway boundary to allow for growth without significant encroachment of the public highway, the LHA have no concerns. There should be a condition on a demolition and construction management plan.

There should be informatives on the applicant will be required to obtain a Section 184 licence from the Council's Highways Regulations team on receipt of a planning Consent in order to carry out works to the site access within public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Council Approved Contractor; who has the required and necessary public liability insurance in place.

Please note on receipt of planning consent, and in order to carry out works within the highway to facilitate the reinstating of the footway and full height kerbs at the existing dropped kerbs, the applicant will be required to enter into a minor Section 278 agreement with the LHA. Please also note the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Council Approved Contractor; who has the required and necessary public liability insurance in place. Further details regarding the costs and requirements associated with this agreement can be obtained from the Council's Section 278 Team, however the agreement cannot be entered into until planning consent is granted.

5.4 Environmental Health Officer

Recommends conditions on working hours for construction, contaminated land and informative on radon.

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) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

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

Policy 1. Presumption in favour of Sustainable Development
Policy 4. Biodiversity and Geodiversity

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 Saved Policies in the Local Plan for Kettering Borough
Kettering Saved Policy 35. Housing: Within Towns

Emerging Policy – Site Specific Part 2 Local Plan

Policy LOC1. Settlement Boundaries
Policy HOU1. Windfall and Infill Development: Principles of Delivery

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Residential Amenity
- Highway Matters
- Contaminated Land

7.1 Principle of Development

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

7.1.2 The principle of proposing new dwellings within the confines of a growth town is consistent with saved Local Plan Policy 35, Policy 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) and guidance contained within the National Planning Policy Framework (NPPF) seeks to focus development in towns in the interest of sustainability and to safeguard rural areas.

7.1.3 Policy 11 of the JCS directs development towards the growth town of Kettering. Policies 6 and 29 of the JCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

7.1.4 Policy HOU1 of the emerging Site Specific Part 2 Local Plan states that windfall and infill development within settlement boundaries will generally be accepted in principle providing 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. Furthermore, the requirements of policy set out in the JCS need to be met and developments

must be in conformity with policy contained within the Site Specific Part 2 Local Plan. The Site Specific Part 2 Local Plan is at an advanced stage with the Local Plan now moving forward for full adoption status in the next month. Accordingly, these policies are now given significant weight at this time.

7.1.5 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of such development provided there is no adverse impact on character and appearance, residential amenity and the highway network. It also seeks a high standard of design.

7.1.6 Subject to detailed consideration being given to the impact of the proposed works and ensuring it complies with national and local policies, detailed above, the principle of development is considered acceptable.

7.2 **Visual Impact**

7.2.1 Policy 8(d) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

7.2.2 There are a range of residential building forms, house types and designs within the locality. The residential properties in the locality are primarily two storey in height and are large detached dwellings and terraces. The proposed no.3 dwellings would be two storey terraced dwellings. The proposed dwellings would be set back from the streetscene. There is no established building line in this part of Crown Street. The proposed dwellings would be symmetrical to one another and of simple design interest. The dormer windows would be an appropriate size so they would not dominate the character of the dwellings. The proposed materials would match the adjacent building and details of materials is conditioned to ensure the proposed development is in keeping with the character of the area.

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

7.2.4 The proposal would be appropriate for the locality in terms of form, massing and design. Therefore, the proposal is not considered to impact adversely upon the character of the local area to any significant extent and therefore is in accordance with Policy 8(d) of the North Northamptonshire Joint Core Strategy.

7.3 **Impact on Residential Amenity**

7.3.1 Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to residential amenity.

- 7.3.2 The proposed dwellings would have significant separation distances from the neighbouring properties, which are also set off the common boundary. Plan CS : PA01revC/02 demonstrates there would be 1.8m close boarded fencing around the sides and rear of each garden and site boundary and there is a condition on . There are no proposed first floor side windows in any plots and there is a condition for the dormer window in the rear elevation of Plot 1 to be non-opening and obscurely gazed and a condition is recommended to remove permitted development rights from first floor side windows for plots 1 and 3 to ensure there is no future loss of privacy or overlooking. The proposed development would have a negligible impact upon living conditions of neighbouring properties.
- 7.3.3 The site provides adequate trees in the rear gardens and elsewhere within the site. The proposed dwellings would provide adequate rear gardens space for amenity to the future occupiers. There will be provision of artificial grass within the rear gardens, which given the town centre location so not all rear gardens have grass is acceptable in this instance. There is a condition on landscaping to ensure there is landscaping within the scheme and it is retained.
- 7.3.4 The proposed dwellings would have adequate space for bin and cycle storage within the site. Conditions are recommended to secure details of bin and cycle storage.
- 7.3.5 Given the close proximity to existing residential properties, a condition for working hours of construction is recommended.
- 7.3.6 It is therefore considered that the proposed development is in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon the amenities of neighbouring properties nor future occupants.

7.4 **Highway Matters**

- 7.4.1 Policy 8(b) 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.
- 7.4.2 The site is situated in a town centre location with nearby bus links. The surrounding locality is primarily on-street parking. Although there is an existing access, there is a new proposed crossover into the site adjacent to the existing which the Highways Officer deems reasonable for use for the proposed development. The Highways Officer finds acceptable the pedestrian visibility splays detailed on Plan CS: PA01revC/02 and vehicle visibility splays shown on Plan CS: PA01revC/01.
- 7.4.3 The proposed development would provide adequate provision of parking within the site. The provision of 1 EV vehicle charging parking space for each dwelling would be good sustainable development and is encouraged. There is a condition attached to ensure parking spaces are retained.

7.4.4 A condition requiring a demolition and construction management plan is recommended (also a request of the Local Highways Authority).

7.4.5 It is considered that the proposed development is in accordance with Policy 8(b) of the North Northamptonshire Joint Core Strategy.

7.5 Contaminated Land

7.5.1 Due to the historic use on the site as a garage and underlying geology, levels of naturally occurring arsenic, vanadium and chromium found throughout the area frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. The Environmental Health Officer has requested a condition on contamination which is recommended. It is considered that this can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with Policy 6 of the North Northamptonshire Joint Core Strategy and the National Planning Policy Framework which requires development to enhance the local environment by remediating, and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990. The recommended informative on radon is agreed.

8. Other Matters

8.1 None.

9. Conclusion / Planning Balance

9.1 For the reasons given above and conditions to be imposed then the proposal would be acceptable in terms of character, appearance, highway matters and impact on living conditions.

10. Recommendation

10.1 Subject to conditions for commencement of development, in accordance with approved plans, external materials, details of the bin and cycle storages, retention of parking spaces, details of landscaping, boundary treatment, working hours of construction, demolition and construction management plan, contaminated land, water usage, dormer window on rear elevation of Plot 1 to be non-opening and obscure glazed and removal of permitted development rights on first floor windows to side elevations of plots 1 and 3, the proposal is recommended for approval.

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. 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 parking spaces hereby approved shall be provided prior to the first occupation of the development hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

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

5. Prior to first occupation of the development the boundary treatment scheme within plan CS: PA01revC/02 shall be 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. Notwithstanding the approved plan CS: PA01revC/02, prior to first occupation of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

7. Prior to first occupation of development, details for the cycle storage shall be submitted to and approved in writing by the Local Planning Authority.

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

8. Prior to first occupation of development, details for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

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

10. No demolition, construction, deliveries of plant and materials for construction shall occur outside of the following times. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 15 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

12. The dwellings hereby approved shall have been designed to achieve a maximum water use of no more than 105 litres per person per day.

REASON: In the interests to provide a sustainable form of development in accordance with Policies 8 and 9 of the North Northamptonshire Joint Core Strategy.

13. The dormer window on the rear elevation of Plot 1 shall be non-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.

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

14. 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 at first floor in the side elevations of Plots 1 and 3.

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

12. Informatives

Positive/Proactive - amendments
Radon - Protection of Dwellings Informative
Highways Section 184 Licence
Highways Section 278
Demolition and Construction Management Plan

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
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Existing floor plan, elevations, location plan and propose site plan		CS_PA01revC_01	24/06/2021
Proposed first floor, roof plans and elevations		CS_PA01revC_02	24/06/2021
Design & Access Statement	NK/2021/0555/3		24/06/2021
Contamination report	NK/2021/0555/2		24/06/2021
Flood zone map	NK/2021/0555/1		24/06/2021



Title: Crown Street

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North Northamptonshire Area Planning (Kettering) Committee 18/11/2021

Application Reference	NK/2021/0777
Case Officer	Natalie Westgate
Location	49 Greening Road, Rothwell
Development	s.73A Retrospective Application: Outbuilding in rear garden
Applicant	Mr G Bhamra
Agent	Mr H Bansal PH Design London Limited
Ward	Rothwell
Overall Expiry Date	17/11/2021
Agreed Extension of Time	19/11/2021

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.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Outbuilding in rear garden

3. Site Description

- 3.1.1 The application site lies on the south western side of Rothwell within a residential area. The site is situated on the eastern side of Greening Road. The application property is a two storey detached dwelling with pebbledash, tiled roof and white

upvc windows. The dwelling benefits from an existing two storey rear extension which is pebble dashed.

3.1.2 The site is open to the front with a driveway. The site sits within a reasonably large plot surrounded by fencing to the side and rear boundaries to all neighbouring properties. In the rear garden there is a large brick outbuilding which is subject to this planning application. There is also a timber outbuilding with hot tub on decking in the rear garden.

3.2 Site constraints

3.2.1 None

4. **Relevant Planning History**

4.1 NK/2021/0507 - Change of roof from hip to gable to both sides with conversion of roof space to a habitable room. Insertion of windows to both sides and rooflights to front and rear elevations – Pending

4.2 KET/2012/0043 – Certificate for Lawfulness Proposed: Roof extension to provide habitable room – Refused - 12/07/2012

4.3 KET/2007/1153 - Two storey rear extension – Approved - 31/01/2008

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 Town Council
Strongly object.

5.2 Neighbours / Responses to Publicity

6 number of letters have been received (from 5 addresses). The issues raised are summarised below:

- Overdevelopment of the site
- The collective buildings are overbearing out of scale and out of character
- Overshadowing and overlooking occupiers at No.53
- The outbuilding is built close to fence with No.31 and intrusive in their garden
- Loss of privacy to occupiers of No.53 in dwelling and garden
- Light on outbuilding is too bright
- Unnecessary CCTV on outbuilding
- The outbuilding is lived in
- Increase in flooding to neighbours at No.53
- Does the heating, pipes and toilet have building regulations

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) (2021)
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 Local Plan

Kettering Saved Policy 35. Housing: Within Towns

6.5 Emerging Policy - Site Specific Part 2 Local Plan

LOC1 Settlement Boundaries

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

7.1.2 The site is located within the designated town boundary of Rothwell. Saved Local Plan Policy 35 supports compatible residential development within town boundaries, subject to all other policies in the Plan being satisfied.

7.1.3 Emerging Policy LOC1 of the Site Specific Part 2 Local Plan is generally supportive of residential development within settlement boundaries subject to their compliance with the listed policy criteria and all other development plan policies.

7.1.4 The Site Specific Part 2 Local Plan is at an advanced stage with the Local Plan now moving forward for full adoption status in the next month. Accordingly, these policies are now given significant weight at this time.

7.1.5 The place making principles outlined in Policy 8 of the North Northamptonshire Joint Core Strategy 2011–2031 state that development should ensure quality of life and safer and healthier communities by protecting amenity by not resulting in

an unacceptable impact on the amenities of future occupiers, neighbouring properties, or the wider area. This is considered in further detail below.

- 7.1.6 The application is retrospective. It should be noted that the building itself was constructed over 10 years ago and is therefore immune from enforcement action (therefore well beyond 4 years for operational development). Aerial images on GIS demonstrate the brick outbuilding has been constructed over 10 years ago. The proposed floor plans do however show a different internal layout to what is currently there. It is considered prudent and reasonable to consider the impacts of the proposed development and this is done below.
- 7.1.7 The principle of development is considered acceptable.

7.2 Visual Impact

- 7.2.1 Policy 8(d) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.2.2 The brick outbuilding has been constructed over 10 years ago so benefits from not requiring planning permission – it is immune from enforcement action (*in situ beyond the 4 years for operational development*). Given the brick outbuilding is large in nature a condition is recommended removing permitted development rights for other outbuildings within the rear garden.
- 7.2.3 Although the brick outbuilding is large and bulky it is situated within the rear end of the rear garden so it is not visible from the public realm and therefore does not detrimentally affect the street scene or wider character and appearance of the area.
- 7.2.4 For the reasons and conditions given above it is considered that the proposal is in keeping with the character and appearance of the dwelling and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of overbearing, loss of light or overlooking.
- 7.3.2 The brick outbuilding, which does not require planning permission, is situated at the rear end of the rear garden and set off the common boundary to both neighbouring properties, No's 31 and 53. The proposed use as a home gym would be ancillary to the main dwelling and therefore would only have occasional use of residents going to and from the dwelling to the outbuilding.
- 7.3.3 The applicant was unable to switch the outside light on the outbuilding during the site visit but photos from a neighbouring property demonstrated the outside light was bright. If levels of light were unreasonable for the residential area then

Environmental Health would investigate under their legislation – this has been confirmed by the Council’s Environmental Protection Team.

7.3.4 The site visit demonstrated that there was a bathroom, including shower and wc, and a kitchen with household appliances but there were no sleeping facilities. The application is for a home gym with a small shower/wc facility as show on the proposed floor plans. It is therefore reasonable that the existing kitchen is conditioned to be removed within a set period of three months. A condition is also recommended to ensure the use of the outbuilding remains ancillary to the main dwelling to prevent it becoming a separate residential unit

7.3.5 For the reasons given above it is considered that the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy in that it does not result in an unacceptable impact on the amenities of neighbouring occupiers.

8. Other Matters

8.1 None.

9. Conclusion / Planning Balance

9.1 The building itself does not require planning permission and is immune from enforcement action given the length of time it has been in situ. Officers have however considered the effects of the proposal and set out planning conditions which could reasonably be imposed. It is therefore recommended that the proposal should therefore be approved.

10. Recommendation

10.1 The proposal is recommended for approval subject to Planning Conditions.

11. Conditions

1. The outbuilding shall only be used for purposes incidental to the enjoyment of the main dwellinghouse (No. 49 Greening Road).

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

2. Within 3 months of the date of this planning permission the existing kitchen shall be removed from within the outbuilding.

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

3. 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 on the application site.

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

4. 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

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	Status
Location plan		#00642152-7FAD87	15/09/2021	Approved
Block plan		#00642151-FCBC82	15/09/2021	Approved
Proposed ground floor plan, roof plan and elevations		221008-P-0002R02	22/09/2021	Approved



Title: 49 Greening Road, Rothwell

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North Northamptonshire Area Planning (Kettering) Committee 18/11/2021

Application Reference	NK/2021/0789
Case Officer	Alan Chapman
Location	98 Lower Street, Kettering
Development	Full Planning Permission: Conversion of dwelling to 2 no. flats
Applicant	Mr A Thakrar
Agent	Mr M Rahman Design Board-Architectural Services
Ward	Northfield
Overall Expiry Date	15/11/2021
Agreed Extension of Time	22/11/2021

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 is an unresolved, material objection to the proposal from the Town Council.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission: Conversion of dwelling to 2 no. flats
- 2.2 Planning permission is being sought to convert this 3-bedroom dwellinghouse into two (no.2) 1-bedroom flats. Each proposed flat would have a single bedroom for a single bed. No external alterations are proposed. The submitted plans show that

both proposed flats would have access to the shared rear garden, with a shared access into the garden from the passageway to the property's side.

2.3 Background

This proposal is identical to the previous proposal (KET/2018/0856) which was granted planning permission, subject to conditions, by a Planning Committee (former Kettering Borough Council) on the 16 January 2019. The Committee Minutes from 15 January 2019 are provided below:

'Members received a report which sought planning permission to convert a 3-bedroom dwellinghouse into two (no.2) 1-bedroom flats.

Member made enquiries regarding adequate refuse storage at the proposed development. Officers confirmed that this was covered within the proposed conditions.

Members agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.

It was agreed that the application be APPROVED subject to conditions.'

The Agent has stated that this 2021 application has been submitted as the approval KET/2018/0856 expires on the 15 January 2022. As there are no provisions in the Town and Country Planning Act 1990 (Section 73) to amend a condition as to the time within which the development to which it related was to be begun, then this fresh full planning application is being made.

It should be noted that approval KET/2018/0856 contained a pre-commencement condition (No.3) for the submission and approval of a noise attenuation scheme, and to date, no application has been made and this condition has not been discharged. It is assumed that NK/2021/0789 has been submitted not only to renew consent on the property but also to allow the applicant/agent more time to prepare their noise attenuation scheme and submit it for determination by the local planning authority. Regarding this issue the Agent advised that the Applicant does not wish to provide acoustic reports at this time. It should also be noted that approval KET/2018/0856 contained a pre-first-occupation condition (No.4) for the approved refuse storage/collection facilities to be provided and retained thereafter.

In response to the comments first received from Kettering Town Council (KTC), Environmental Protection (EP) and Highways the Agent submitted an Energy Statement and re-consultations were then undertaken. Both KTC and EP responded with secondary comments.

3. Site Description

- 3.1 The application site is an end of terrace two-storey 3-bedroom property constructed in 1905. It is located at the lower end of the street within this town centre location with semi-detached residential properties to the east, a medical centre opposite, and flatted development to the south-west and to the west.

3.2 The property has a small front garden and pedestrian access along its eastern side into the small rear garden. The rear of the property has a two-storey outrigger with a small single storey lean-to attached. Residential development surrounds the site to the north and east. The site does not benefit from any on-site parking, although parts of Lower Street and Carlton Street have un-restricted on-street parking. A large multi-storey car park is located just some 110 metres due south of the site.

3.3 Constraints:

A Road

Outside of, but immediately located to the north of the Kettering Town Centre Area Action Plan boundary

4. **Relevant Planning History**

4.1 List all previous planning applications as follows:

Application No	Decision	Date	Address	Description
KET/2018/0856	APPROVED	16-01-19	98 Lower Street, Kettering Northamptonshire	Conversion of dwelling to 2 no. flats

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 Kettering Town Council

First response:

Objection – the Town Council regrets the loss of a larger family home in favour of yet further small flats in the town centre and the local authority should consider the impact of this application on the mix of housing options in the area.

Clarification is required on the application's proposed means of energy usage and insulation, and the installation of zero carbon technologies ought to be included within the proposals.

Second response on receipt of the submitted energy statement:

The Town Council does maintain its position. What has changed since 2018 is the large number of applications and consents for conversion of premises into small flats and our comment was to ask the LPA to consider the impact of this application on the mix of housing options in the area, which is significantly changed from 2018.

5.2 Neighbours / Responses to Publicity

No comments received at time of writing.

5.3 Local Highway Authority (LHA)

No objection subject to the LPA satisfying itself regarding parking and servicing the site and ensuring debris deposited on the highway is removed and cleansed by the developer.

5.4 Environmental Protection (Health)

First response:

The application has not demonstrated how the proposal will comply with Policy 8.e), i) & ii) of the North Northamptonshire Joint Core Strategy, in particular:

The site is located on the A4300 (Lower Street) which is a main route into Kettering. The Strategic Noise Mapping for England indicates that traffic noise levels at this location are probably high enough (up to 70dB LAeq,16hr (daytime) and 65dB L night) to have a significant adverse impact on health and quality of life unless suitable mitigation measures can be incorporated into the design. It is accepted that the premises have an existing residential use, but this proposal provides an opportunity to reduce the risks associated with high noise levels. Noise impact and minimisation are material considerations under NPPF para. 185.

It is proposed to install a kitchen facility in the 1st floor front room positioned against the party wall. Unless this is carefully installed to break noise and impact transmission paths it may have a detrimental impact on the neighbouring property particularly if the neighbouring room is still used as a bedroom.

It is noted that the proposed bedrooms are located to the rear of the property which will provide them with protection from direct traffic noise.

The floor to the 1st floor flat will have to meet the requirements of Part E of the Building Regulations but this does not guarantee that noise nuisance or a loss of amenity through impact noise transmission will not occur.

No information has been provided to demonstrate how adverse impacts on air quality from the development will be minimised or mitigated.

Recommendations.

It is recommended that this application should not be approved until it is demonstrated that Policy 8.e), i) & ii) have been complied with regard to traffic noise impacts.

The ability to provide a healthy noise environment for the future residents needs to be demonstrated prior to consent being granted as it may prove to be impractical to provide any necessary mitigation at a later stage.

Second response:

I was not aware that the application was for the extension of an existing permission.

That being the case I am happy to withdraw our comments for this application.

- 5.5 Environmental Care (Waste)
No comments received at time of writing.

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) (2021)
Policy 1: Introduction
Policy 2: Achieving sustainable development
Policy 4: Decision-making
Policy 5: Delivering a sufficient supply of homes
Policy 9: Promoting sustainable transport
Policy 12: Achieving well-designed places

National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1: Presumption in Favour of Sustainable Development
Policy 6: Development on Brownfield Land
Policy 8: North Northamptonshire Place Shaping Principles
Policy 9: Sustainable Buildings
Policy 11: The Network of Urban and Rural Areas
Policy 29: Distribution of New Homes
Policy 30: Housing Mix & Tenure

- 6.4 Saved Policies in the Local Plan for Kettering Borough
35: Housing Within Towns

- 6.5 Site Specific Part 2 Local Plan (Inspector's Main Modifications 'sound' July 2021)
LOC1: Settlement Boundaries
HOU1: Windfall and Infill Development

7. Evaluation

The key issues for consideration are:

- Principle of development
- Character and Appearance
- Impact on Living Conditions
- Highway Matters
- Environmental Matters
- Waste Management
- Other (Objection comments)

7.1 Principle of Development

- 7.1.1 Policy 5 of the NPPF supports the supply of homes that provide a variety of choices that can meet the needs of specific housing groups and is supportive of new affordable homes.
- 7.1.2 The broadest principle of providing residential development within settlement boundaries is consistent with Local Plan Policy 35 and JCS Policies 11 and 29 that seek to focus such development to the Growth Towns in the interest of the NPPF's sustainability principles and the protection of the rural areas.
- 7.1.3 In addition Policy 6 and 29 of the JCS are consistent with Policy 11 of the NPPF which seeks the re-use of buildings within urban areas.
- 7.1.4 Emerging Policy LOC1 and HOU1 of the Site Specific Local Plan part 2 are generally supportive of residential development within settlement boundaries subject to their compliance with the listed policy criteria and all other development plan policies.
- 7.1.5 The Site Specific Part 2 Local Plan is at an advanced stage with the Inspector's Report (2 July 2021) on the recommended Main Modifications of the Local Plan being found 'sound'. The Local Plan is now moving forward for full adoption status in the next few months. Accordingly, these policies are now given significant weight at this time and at full adoption stage, these policies will carry full weight.
- 7.1.6 As the site lies within the settlement boundary of Kettering it is opined to be in a suitable location in principle for the proposed development. The proposed development is further assessed below against the other relevant Development Plan policies.
- 7.1.7 As detailed above the site benefits from an extant permission (will not expire until mid January 2022) and this is a material consideration in the determination of this current application.

7.2 Character and Appearance

- 7.2.1 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.
- 7.2.2 The development site is located within the town and immediately adjacent to the defined town centre. The immediate area is characterised by residential development to the north, dense flatted residential development to the west and mixed-use development to the south and east where there is a multi-storey car park and a medical centre.
- 7.2.3 The proposal does not entail any external alterations to the dwellinghouse. As such the proposed internal conversion to a ground floor and a first floor flat would not have any impact of the area's appearance. With regards to character, then this form of flatted residential development is reflective of the area and is also considered to be in accordance with NPPF Policies 7 and 12 (paragraphs 86(f)

and 130) as this very minor intensification of residential development would help to ensure the vitality of the adjacent town centre and would sustain the mixed residential and commercial nature of this part of the town.

7.2.4 For the reasons given it is considered that the proposal will preserve the character and appearance of the buildings and their settings and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 Impact on Living Conditions

7.3.1 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of noise, vibration, loss of light or overlooking.

7.3.2 The main concerns regarding residential amenity impacts are opined to be overlooking, privacy and noise disturbance to the future occupiers and to the neighbouring occupiers.

7.3.3 No external alterations are proposed. At first floor level the existing dwellinghouse has a side facing window that is obscurely glazed and serves the bathroom. The proposal would not alter this position as this bathroom would serve the first floor flat. A clearly glazed window at first floor level is in the rear elevation, and currently serves a very small bedroom. The proposal would entail this bedroom becoming a study/store as the room would fail the National Space Standards for it to be a 1-bed bedroom.

7.3.4 Whilst the first floor would become a self-contained flat it is considered that there would be no material differences in use of the small habitable room located at the rear most part of the property from a small bedroom to that of a proposed study/storeroom. Evidently, this existing rear bedroom could be used as a study/storeroom even if this proposal were not granted planning permission. Accordingly, it is opined that the neighbouring occupiers who are near the site would not experience any additional overlooking or loss of privacy because of this proposal.

7.3.5 The proposal entails the conversion of a 3-bedroom dwellinghouse into 2no. 1-bedroom (single bed spaces) flats. This situation would give rise to a potential increase in noise disturbance to the adjoining property, particularly where the proposal would convert the first-floor front bedroom into a lounge. This situation could potentially cause noise disturbance to the occupiers of the front bedroom on the other side of the party wall.

7.3.6 The Environmental Protection officer has withdrawn their initial comments. This current application should be considered in the context of both the existing residential use of the site and also the extant planning permission which could still be implemented. With regard to Environmental Protection's comments made against the earlier KET/2018/0856 there were no objections cited but conditions recommended to control working hours and for the installation of sound insulation (internally between the proposed flats and the adjoining terraced house) be imposed.

- 7.3.7 It is reasonable to re-impose the same conditions (Nos.2 and 3) applied to KET/2018/0856 to this 2021 scheme to ensure working hours are controlled and the residential units have adequate sound mitigation measures to safeguard the living conditions of residents.
- 7.3.8 Accordingly, a scheme of measures for acoustic separation between the proposed flats and between Nos. 98 and 100 Lower Street shall be submitted to and approved by the local planning authority before development commences. These approved measures shall then be implemented and permanently retained as such to mitigate any noise propagation between the existing and proposed residential units.
- 7.3.9 To mitigate and modify disturbance to the neighbouring occupiers, then a condition shall be imposed to control the hours of construction to Monday to Friday 08.00 to 18.00 hrs and Saturday 08.30 to 13.30.
- 7.3.10 For the reasons and conditions given above it is considered that the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy in that it does not result in an unacceptable impact on the amenities of future and surrounding occupiers.

7.4 Highway Matters

- 7.4.1 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.
- 7.4.2 As described above the proposal site is located very close to a multi-storey car park and is in a sustainable location with easy access to town centre facilities, services and public transport links including bus and rail. Due to the site's location, on the edge of the town centre, it is considered that it is in accord with paragraphs 104, 110 to 112 of Policy 9 of the NPPF in that the future occupiers would have highly accessible sustainable transport options for their daily needs.
- 7.4.3 The existing 3-bedroom dwellinghouse does not currently have any on-site parking provision. Given the character of the proposal there is not considered to be a material change in the amount of traffic to be generated by the site and therefore the requirement for parking on site would be unreasonable in this case. In accordance with Paragraph 111 of the NPPF this proposal should not be refused on highways grounds as no unacceptable impacts on the road network have been identified.
- 7.4.4 By Local Highway Authority standards there is opined to be no net difference in the parking demands between the existing and proposed development. In this regard, it is considered that the proposed development would not give rise to an increase in traffic that would in turn not prejudice highway safety.
- 7.4.5 The LHA's comments concerning debris on the highway is noted and a suitable note is recommended to be put on any decision.

7.4.6 For the above reasons and conditions, the proposal would accord with JCS Policy 8(b).

7.5 **Environmental Matters**

7.5.1 During the determination of KET/2018/0856, the Environmental Protection officer identified that this site was in radon gas sensitive area. It is recommended a radon gas note be applied to this proposal.

7.6 **Waste Management**

7.6.1 The Environmental Care (Waste services) department were consulted but no response was received. However, during the determination of KET/2018/0856, the Environmental Protection officer recommended the imposition of a condition for refuse storage and collection facilities be provided on site.

7.6.2 Accordingly, due the unchanged circumstances then it is reasonable to apply the same condition to any decision notice that is forthcoming for this 2021 proposal.

7.7 **Other (Objection comments)**

7.7.1 Objection comments concerning the loss of a larger family home in favour of two small flats adjacent to the town centre and the impact of this on the mix of housing options in the area are noted.

7.7.2 The current dwellinghouse is not considered to be a large family home as it is an end of terrace property with kitchen, lounge and dining room on the ground floor and 3 bedrooms upstairs, where the bedroom at the rear of the property measuring 2.6 metres long by 1.6 metres wide (4.16 square metres in area) would fail the Government's National Space Standards (adopted by JCS Policy 30) and would not be treated as a bedroom if the site were an application for a new end-of-terrace house. The proposed flats at 42 square metres and 43 square metres and therefore exceed the National Space Standards for 1-person 1-bedroom flats (37/39 square metres).

7.7.3 Joint Core Strategy Policy 8 is the main policy on which this application should be assessed against. Bearing in mind that this proposed development was previously approved in 2018, and there is no policy change which would weigh against the proposal and no evidence is available to demonstrate any significant changes in the local environment has occurred, then it would be unreasonable to refuse the application on these grounds.

7.7.4 Kettering Town Council commented that clarification is required on the application's proposed means of energy usage and insulation, and the installation of zero carbon technologies.

7.7.5 The Agent supplied a Design and Access Statement that included an Energy Statement to describe how the development would achieve a reduction in carbon-dioxide emissions, incorporate energy efficient appliances, low water usage and insulation materials (reduce heat loss). It is considered that such measures would be in accordance with JCS Policy 9 and NPPF Policy 14 and Policy 2 (Paragraph

8) in so far that energy/water usage are efficient, and the development demonstrates a move towards a low carbon economy. At present the Development Plan and the NPPF do not include statutory/policy requirements for zero carbon technologies.

7.7.6 It is noted that the Energy Statement states that energy efficiency of the proposed build, and its environmental impact, and that a full SAP (Standard Assessment Procedure) calculation (Part L of Building Regulations) will be submitted to Building Control in accordance with their requirements.

8. Other Matters

8.1 Neighbour comments: No comments received.

9. Conclusion / Planning Balance

9.1 Subject to conditions to control the working hours of construction, the implementation of noise attenuation measures and recycling/waste storage facilities, then the proposal is acceptable in planning terms and planning permission is recommended.

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. No demolition, construction, deliveries of plant and materials for construction shall occur outside of the following times. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the commencement of development a scheme for achieving the noise attenuation outlined in British Standard BS8233:2014 with regards to the insulation between residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented

before first occupation of the residential units and thereafter maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Details are required prior to the commencement of development because any noise measures required are likely to be an integral part of the design and in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of the development hereby approved, refuse storage and collection facilities shall be made available for use. The refuse storage area shall be in a separate room not connected to any habitable area. These facilities shall be retained at all times thereafter.

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

12. Informatives

Positive/Proactive - pre-application advice
 Building Regulations consent required
 Party Wall Etc. Act
 Radon - Protection of Dwellings Informative
 Acoustic separation (all domestic dwellings) informative
 Mud on road

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, block plan		A747-SLP	20.09.21
Existing & proposed floor plan		A747-1a	20.09.21
Design & Access Statement		A747-DAS	20.09.21
Energy Statement		A747-ES	18.10.21



Title: 98 Lower Street

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