




Meeting: Area Planning Committee - Kettering
Date: Monday 13th December, 2021
Time: 7.00 pm
Venue: Council Chamber, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

To members of the North Northamptonshire Area Planning Committee (Kettering)

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

Substitute Members: Councillors Henson, Tebbutt, Hakewill and Tubbs

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	I) KET/2020/0449: s.73A Retrospective Application: Concrete batching plant and silos, office, welfare facilities and separate access	Planning Officer	19 - 41
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	<p>IV) NK/2021/0814: Full Planning Permission: Change of Use from residential dwelling (C3) to 9 bed HMO (Sui Generis)</p> <p>V) NK/2021/0829: Full Planning Permission: Change of use from open countryside to residential garden and erection of mobile home ancillary to the main dwelling</p>	<p>Planning Officer</p> <p>Planning Officer</p>	<p>65 – 76</p> <p>77 - 86</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 3rd December 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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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 Friday 10 th December 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 Friday 10 th December 2021

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

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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

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Minutes of a meeting of the Area Planning Committee Kettering

At 7.00 pm on Thursday 18th November, 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 Cedwien Brown
Councillor Elliot Keith Prentice
Councillor Joseph John Smyth

Officers

Martyn Swann (Development Services)
Louise Holland (Development Services)
Richard Marlow (Development Services)
Louisa Johnson (Development Services)
Alan Chapman (Development Services)
Nigel Bell (Legal Representative)
Callum Galluzzo (Democratic Services)

52 Apologies for non-attendance

Apologies for absence were received from Councillors Ian Jelley and Kevin Thurland

53 Members' Declarations of Interests

None

54 Minutes of the meeting held on 28th October 2021

RESOLVED

that the minutes of the meetings of the Area Planning Committee held on 28th October 2021 be approved as a correct record.

55 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. Three speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy. One Written Statement was provided and read aloud to the committee.

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: Demolition of existing agricultural building and erection of new grain store building at Agricultural Yard, Kettering Road (land off), Thorpe Malsor for Thorpe Malsor Farms</p> <p>Application No: NK/2021/0043</p> <p><u>Speaker:</u></p> <p>Lauren May attended the meeting and addressed the committee as the agent for the applicant stating that the proposed development was to bring a facility in poor state of repair to a usable state and would have limited impact on neighbouring amenity.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the demolition of existing agricultural building and erection of new grain store building.</p> <p>The planning officer addressed the committee and provided an update which stated that one additional letter of objection had been received regarding the visual impact of the proposed development.</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 Smyth 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 details listed below.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as submitted.
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.
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.

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.
7. The development shall be carried out in accordance with the Noise Impact Assessment Report P4774-R1-V1 dated 23/06/2021.
8. The development shall be carried out in accordance with the Dust Assessment P4773-R1-V2 dated 21/09/2021.
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.
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.

(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: 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 at 49 Greening Road, Rothwell for Mr G Singh Bhamra</p> <p>Application No: NK/2021/0507</p> <p><u>Speaker:</u></p> <p>Tony Gallagher attended the meeting and addressed the committee as a third party objector to the proposed development. Mr Gallagher raised objections in relation to overshadowing, loss of privacy, visual amenity impact and the proposed development not being in keeping with the local area character.</p> <p>Gudeep Bhrama submitted a written statement as the applicant for the proposed development which stated that the development was essential due to the inadequate number of bedrooms for his family. Mr Bhrama also highlighted similar large rear extensions to other properties within the area.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for a 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.</p> <p>Members initially raised concerns regarding the loss of privacy and amenity for neighbouring properties. Concerns were also raised by members with regards to the overbearing elements of the proposed development.</p> <p>Following debate it was proposed by Councillor Smyth and seconded by Councillor Carter that the application be refused contrary to the officer's recommendation due to the proposed development being overdevelopment of the site, , loss of light and overbearing to neighbouring properties.</p> <p>It was agreed that the application be REFUSED for the following reasons:-</p>

1. By reason of the size, massing and bulk of the proposal the application is considered to result in overdevelopment and an adverse impact on residential amenity of neighbouring residents as a result of loss of light and being overbearing. As such the proposal results in detrimental harm to the residential amenity of neighbouring properties contrary to Policy 8 of the North Northamptonshire Joint Core Strategy.

(Members voted on the motion to REFUSE the application)

(Voting: For: 5, Against 0, Abstain 1)

The application was therefore
REFUSED

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.3 Full Planning Permission: Demolition of garage and erection of 3 no. one bedroom houses at Former mechanic garage, Crown Street, Kettering for Mr Patel, Affable Properties Ltd</p> <p>Application No: NK/2021/0555</p> <p><u>Speaker:</u></p> <p>Councillor Martyn York attended the meeting and addressed the committee as a representative of Kettering Town Council. Councillor York raised concerns regarding additional pressures on existing parking provisions and highlighted the importance of having a good housing mix in order to avoid concentrating large number numbers into small areas.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the demolition of garage and erection of 3 no. one bedroom houses.</p> <p>Members sought clarification regarding electric vehicle (EV) charging points as well as bike storage associated with the proposed development. It was confirmed to members that these provisions had been included within the application.</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 Dell and seconded by Councillor Prentice 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 details listed below.
3. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
4. 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.
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.

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.
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.
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.
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.
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.
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.

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.
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.
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.

(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>*4.4 s.73A Retrospective Application: Outbuilding in rear garden at 49 Greening Road, Rothwell for Mr G Bhamra</p> <p>Application No: KET/2021/0777</p> <p><u>Speaker:</u></p> <p>Tony Gallagher attended the meeting and addressed the committee as a third-party objector to the proposed development raising concerns regarding the use of the associated outbuilding. Mr Gallagher stated that the building was being used for residential use.</p>	<p>Members received a report about a proposal for which Retrospective Planning Permission was being sought for an outbuilding in rear garden.</p> <p>Members raised concerns regarding the use of the outbuilding especially as bathroom and kitchen facilities were present. Members enquired regarding the removal of these facilities but were in agreement that it was satisfactory to see the removal of the kitchen facilities as part of the application conditions.</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 outbuilding shall only be used for purposes incidental to the enjoyment of the main dwellinghouse (No. 49 Greening Road).
2. Within 3 months of the date of this planning permission the existing kitchen shall be removed from within the outbuilding.
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.
4. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

(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>*4.5 Full Planning Permission: Conversion of dwelling to 2 no. flats at 98 Lower Street, Kettering for Mr A Thakrar</p> <p>Application No: KET/2021/0789</p> <p><u>Speaker:</u></p> <p>Councillor Martyn York attended the meeting and addressed the committee as a representative of Kettering Town Council. Councillor York raised questions regarding the change of use from a large family home into flats.</p>	<p>Members received a report about a proposal for which full planning permission was being sought to convert the 3-bedroom dwellinghouse into two (no.2) 1-bedroom flats.</p> <p>It was noted that each proposed flat was to have a single bedroom for a single bed. No external alterations were proposed. The submitted plans show that both proposed flats would've had access to the shared rear garden, with a shared access into the garden from the passageway to the property's side.</p> <p>Members sought to clarify conditions in order to include the provision of cycle storage.</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 Carter 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 details listed below.
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.

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.
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.

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

(Voting: Unanimous)

The application was therefore
APPROVED

62 Close of Meeting

The meeting closed at 8.12 pm

Chair

Date

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**North Northamptonshire Area Planning
Committee (Kettering)
Monday, 13 December, 2021 at 7.00pm
Council Chamber, Municipal Office**

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Application	Location
4.1 KET/2020/0449	Blackbridge Farm, Cranford Road, Burton Latimer
4.2 KET/2020/0815	Maplefields School, Beatrice Road, Kettering
4.3 NK/2021/0810	99 Braybrooke Road, Desborough
4.4 NK/2021/0814	1 Lindsay Street, Kettering
4.5 NK/2021/0829	Suffolk Villa, Rushton Road, Rothwell

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North Northamptonshire Area Planning (Kettering) Committee 13/12/2021

Application Reference	KET/2020/0449
Case Officer	Mark Coleman
Location	Blackbridge Farm, Cranford Road, Burton Latimer
Development	s.73A Retrospective Application: Concrete batching plant and silos, office, welfare facilities and separate access
Applicant	Mr J Gough, Mick George Ltd
Agent	Mr J Gough Mick George Ltd
Ward	Burton Latimer
Overall Expiry Date	30/10/2020
Agreed Extension of Time	05/08/2021

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 s.73A Retrospective Application: Concrete batching plant and silos, office, welfare facilities and separate access

- 2.2 Retrospective planning permission is sought for a ready-mix concrete batching plant. The installation consists of a batch control cabin, aggregate reception hopper bays, 2 x cementitious silos, batch conveyors, mixing unit and loading chute, aggregate storage bays, unit for mess room and office and access track.

3. Site Description

- 3.1 The site is located to the north of Burton Latimer and forms part of the wider site known as Blackbridge Farm and occupied by an operational Mick George Concrete Batching Plant. The batching plant site area is largely surfaced with concrete, enclosed by palisade fencing and occupied with plant described within the application (concrete loading bays, loading conveyor, mixing hoppers and silo's, site office and mess room, etc). A drainage chamber (wedge pit) has also been installed within the site to capture surface run-off and driver wash-out water. The site is level. Abutting the site to the south and west is the Roxhill logistics site which benefits from planning permission and is being implemented.
- 3.2 Access to the site is through Blackbridge Farm via a track, some of which is pre-existing and had been implemented at the time of the site visit with further works outstanding.
- 3.3 This access track connects the proposed concrete batching plant to Cranford Road to the east, which is a two lane highway (no footpath) which terminates adjacent Blackbridge Farm where it abuts the A14 trunk Road to the north which is separated by a landscape buffer. A bridleway continues over the A14 via a bridge which re-joins Cranford Road. Within Blackbridge Farm to the east are two domestic properties understood to be associated with Blackbridge Farm; the rest of the Blackbridge Farm comprises a mix of commercial uses including, Anglia Crane and Plant Hire, Heath and Hawkes, etc, which are all located within a range of former agricultural / commercial buildings. On the opposite side of Cranford Road close to the proposed access is a turning head and a telecommunications mast.
- 3.4 The site is affected by the following constraints:
- Committed Waste Development: Biodrying and Pyrolysis
 - Trunk Road (A14 to North)
 - Employment (land adjacent)

4. Relevant Planning History

4.1 Relevant Planning History

NK/2021/0284 - Removal of a section of hedge and formation of a new access (Approved, 07.09.2021)

KET/2020/0341 - Removal of a section of hedge and formation of a new access (Withdrawn, 14.04.2021)

KET/2020/0178 - Removal of a section of hedge and formation of a new access (Withdrawn, 11.05.2020)

KET/2018/0150 - Temporary 10 year permission for change of use from agricultural land to hard surface for plant and machinery and ancillary facilities (Withdrawn, 27.07.18)

KET/2016/0539 - Erection of steel portal frame building (Withdrawn, 20.09.16)

KET/2015/0711 - Change of use from waste management facility to B1a (offices), B1c (light industrial) and B8 (storage) with associated parking (Approved, 25.01.2016)

KET/2015/0710 - Relocation of agricultural feed store (Approved, 04.12.2015)

KET/2010/0339 - Variation of conditions 2 and 18 of planning permission 09/00014/WAS for revisions to the bio-drying process. (Withdrawn, 13.10.10)

NCC – 10/00035/WAS - Variation of condition 2 of planning permission 09/00014/WAS for the installation of additional plant to improve the efficiency of the waste operations and material processing (Withdrawn, 21.09.10)

NCC – 09/00014/WAS (KET/2009/0128) – Bio-drying and pyrolysis waste management facility (Approved, 20.05.09)

KET/2009/0126 - Use of site for B1 (light industrial & offices) and B8 (storage and distribution) (Withdrawn, 02.06.2009)

KET/2003/0442 - Erection of steel portal frame building extension for storage of animal feed stuffs (24.10.2003)

KET/2003/0743 - 15m slim line lattice, equipment cabin, 6 antennas and 2 microwave dishes (07.10.2003)

KET/1999/0548 - Erection of steel portal frame building for storage of animal feedstuffs (04.10.1999)

KET/1985/0383 - Erection of pig fattening house (23.08.85)

Adjacent Land

NK/2021/0399 – All matters in respect of KET/2018/0774 for the erection of B2/B8 employment unit with ancillary offices, access, car parking and landscaping (Approved 22.07.21)

KET/2020/0147 – Erection of B8 distribution facility with ancillary offices, gatehouse, car parking and landscaping (Approved 26.08.20)

KET/2019/0481 -Erection of B8 distribution facility with ancillary office, gatehouse, car parking and landscaping (Approved, 13.09.19)

KET/2018/0774 - Development of site for industrial/ distribution uses (use class B1 (c), B2 and B8) including ancillary offices together with roadside uses (petrol filling station and A3/A5 restaurant/cafe) and associated car parking, highway infrastructure and landscaping. All matters reserved for the development plots. Approval sought for matters related to access, the built highway infrastructure works and associated landscaping (Approved, 05.12.18)

KET/2013/0661 - Employment development of up to 109,000sqm within uses classes B1, B2, and B8, roadside and ancillary uses, associated landscaping and infrastructure (Approved. 01.10.14)

5. Consultation Responses

5.1 Burton Latimer Town Council

Comment of support received on 18th November 2020. The following comments were also made:

- No HGV's before 7am and after 6pm (8-12 on Saturday's) & no movements on Sundays
- The Town Council would like to see the access road improved bringing it up to standard and addressing the potholes and poor passing places, and removal of debris on a regular basis in order for users of the bridleway to be able to use safely.

A similar comment was also dated 28th October 2020 which makes reference to the site but with a different reference number (KET/2020/0341) believed to be in error. The comments largely states the same matters, but is worded differently.

Comment received on 19th April 2021 stating they would like the condition proposed by the Environmental Protection Team with respect of hours of operation applied. They would also like comments on potholes and debris addressed.

Officer Comment: Case Officer liaised with Town Council on the comment advising that the planning recommendation could not seek to address existing deficiencies in the highway network unless it is directly related to the development (e.g. the highway network needs upgrading); the highway authority has not requested this. As a result, the case officer would not be able to support a request for pot holes to be fixed as this does not meet the tests [reasonable or necessary] for applying planning conditions.

In response a further comment was received on 19th April 2021 raising no objection subject to a condition relating to debris which was raised by the North Northamptonshire Council's Local Highway Authority which states '**The developer shall put in place systems to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed**'.

Officer comment: The access road referred to in Burton Latimer Town Council's comments relates to Cranford Road which is a public highway. A requirement to upgrade the highway to address existing deficiencies does not meet the condition tests in terms of being either 'reasonable' or 'related to planning'. They can only be required where they are due to direct impacts of the proposed development, which is

not the case in this instance. Other matters relating to road debris are raised in comments from the Local Highway Authority.

5.2 Neighbours / Responses to Publicity

A total of two objection letters have been received, one of which is a joint objection representing the views of 4 confirmed occupiers of a group of dwellings (1-4 Windmill Cottages) and the other from a separate third party.

The issues raised are summarised below:

Comment received from the occupier of 2C Cranford Road, Kettering on 14th January 2021. Comment states that they support the Mick George operation but when the plants are in operation they create a low level vibration sound through the house. A request is made to find out if there is any sensible way of dampening this sound by either adding to the mound bank to the north boundary or any simple sound damping? If not, we at least have asked and if it can be done without too much cost I know Mick George would do it.

Officer Comment: The comment received was discussed by the case officer with the Environmental Protection Officer. It is considered that the harm caused to the occupiers of the property which is located on the opposite side of the A14 would not be sufficient to justify additional controls. Powers available through the Environmental Protection Act could mitigate the impact where they cause a statutory nuisance and should therefore not be duplicated by planning controls.

Comment of objection received from the occupiers of (no.s 1-4) Windmill Cottages, Cranford Road, Burton Latimer received on 21st October 2020. Objection not necessarily objecting to concrete production subject to noise/pollution mitigation, but are objecting to the impact resulting from the transport of the raw materials and finished product to and from the site. The comments dispute the reported vehicle movements associated with the proposal as being misleading and likely to be significantly greater (440 – 490 vehicles a week instead of 159) which causes disturbance to residents at Windmill Cottages in terms of noise, dust and air pollution. This will equate to approximately 1 HGV movement every 7 minutes for 11.5 hours over a 5 day week. Submitted information relating to vehicle movements is ambiguous showing figures for only single trips and not return journeys out and omits journeys associated with the 5 Barrel Mixer Lorries. This gives the impression of fewer vehicle movements than in reality.

From experience, the existing vehicle movements cause significant noise disturbance and cause disruption early morning and to evening. The impact of vehicle movements is compounded by those associated with other nearby users (e.g. Bennie Group, etc) and raises concerns about physical and mental wellbeing and will loose the amenity of the rural surroundings. Concerned about damage to structural stability of dwellings which, due to being Victorian, have shallow foundations. As the houses are their biggest financial and emotional investment, their amenity contributes significantly to their financial, physical and mental wellbeing which warrants equal consideration. Cranford Road is in a poor state of repair and not fit for purpose (potholes, crumbling tarmac, uneven surfaces)

Cranford Road has insufficient width for two cement mixers to pass simultaneously, which has damaged grassed verges and made them unusable for walking on. The same road adjacent Windmill Cottages is 5 metres wide and crumbling. Mud /dust is spread across the road by commercial vehicles. Kerbstones, designated passing places, regular cleaning is required to make the route safer for all users. The 60 mph speed limit is unsafe and the proposed use will make access to Windmill Cottages on a blind corner more unsafe. The local highway network on the A6 is unsafe and does not facilitate safe use of the site. Blackbridge Farm is contaminated from waste previously buried and the council should satisfy itself that it has been removed. External materials are not stated within the application. Object to the operational hours on the grounds of noise disturbance from associated vehicles close to their residential properties (15m – 35m away) which will significantly affect residential amenity. The use is industrial, contrary to the application form. Cement is a hazardous substance. It is likely to become dispersed and settle in the surrounding area, posing a serious health concern to us. Residual cement powder on vehicles entering/leaving the site will exacerbate this. Airborne carcinogens should not be considered insignificant. Dust of dry concrete as dangerous as cement dust (image of dry concrete spilt on Cranford Road provided). The bio-drying and pyrolysis waste management facility has not operated for 9 years. The batching plant is visible from the A6 and several places along Cranford Road. Seek for tighter controls over vehicle movements, operating hours, and health and safety, and clarification on ambiguity of contents of the application.

Revised comment of objection received from the occupiers of Windmill Cottages, Cranford Road, Burton Latimer received on 6th January 2021 largely raising the similar issues.

Officer comment: A requirement to upgrade the highway to address existing deficiencies does not meet the condition tests in terms of being either 'reasonable' or 'related to planning' where there is not a demonstrable need. They can only be required where they are due to direct impacts of the proposed development, which is not the case in this instance. Other matters relating to road debris are raised in comments from the Local Highway Authority.

5.3 Local Highway Authority

Comment received on 18th September 2020 stating the application cannot be accepted and further information required to support the application in the form of:

- Details of parking provisions (including parking bays/turning areas for cars and LGV/HGV loading bays);
- Vehicle tracking drawings for the largest vehicle entering the site;
- Access over 45m requires access and turning for emergency vehicles and in the same instance, Northamptonshire Fire and Rescue Service requires an access width of 3.7m together with loading and turning space for a fire appliance with a 15 tonne axle;
- Access over 45m can also have refuse collection implications which includes gradient implications.

No objection received on 18th December 2020 subject to a condition seeking to secure a construction management plan. The Local Planning Authority is also advised to satisfy itself with regards to parking and servicing on site and the submitted vehicle tracking drawings submitted are sufficient to demonstrate sufficiency of the access road and on-site.

Comment received on 3rd March 2021 confirmed that given the application is retrospective a Construction Management Plan may not be required if the majority of the construction has already been undertaken. What would be required however is a condition which secures the following *'The developer shall put in place systems to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.'*

Officer Comment: A review of the application shows that the main operational element of the proposal has been constructed, however the additional access route through the site is likely to be subject of further construction works. As a result, it is recommended that a hybrid condition is applied securing a construction management plan which addresses the additional issues raised.

5.4 North Northamptonshire Council - Environmental Protection

Comment of no objection received on 30th September 2020 subject to conditions seeking to control air quality, noise and operational hours limited to 07:00 – 19:00 (mon - fri) and 08:00 – 16:00 (sat) and at no time on Sundays or Bank Holidays. An informative with respect of a site permit is also proposed.

A further comment of no objection received on 18th December 2020. The site is far enough removed from residential properties that loss of amenity due to noise / dust should not occur provided that the site is run in accordance with industry best practice. I have no comments or recommendations to make on the planning application.

5.5 Environment Agency

Comment received on 6th November 2020 acknowledging the application is retrospective. Insufficient evidence provided with the application to demonstrate that potential risks to controlled waters are understood and have been managed. Illegal waste was previously deposited on site and believed to remain and presents a potential risk to controlled waters (due to secondary aquifer below the site). It is not known whether the previously disposed waste extends on to the current batching plant site, or whether any other potential sources of contamination are present at the site as a result of its former uses. Further detailed information is therefore required to demonstrate that the risks of pollution to controlled waters from the built development are acceptable or have been appropriately managed. Subject to planning conditions dealing with remediation of the site and control of surface water run-off, no objections is raised.

An earlier consultation response was submitted on 29th September 2020 and withdrawn on 6th November 2020.

Officer comment: Due to the retrospective nature, the proposed conditions were amended further, in agreement with legal advisors of Environment Agency, to ensure relevant triggers are present within the wording to ensure that conditions were 'enforceable' and meet the 6 tests for planning conditions, to secure an acceptable form of development.

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 6 : Development of Brownfield Land and Land Affected by Contamination

Policy 8 : North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 22: Delivering Economic Prosperity

6.4 Site Specific Part 2 Local Plan

Policy LOC1

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

7.1.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development as set out in Section 2, paragraph 10 (NPPF), based around three overarching objectives (economic, social and environmental).

Section 12, paragraph 124 (NPPF) states that 'good design is a key aspect of sustainable development'. In addition, Section 6 of the NPPF also gives support to planning decisions which help create conditions in which businesses can invest, expand and adapt which needs to be balanced against other policy requirements set out within the NPPF.

- 7.1.2 Policy LOC1 of the Site Specific Part 2 Local Plan incorporates the site within the settlement boundary for Burton Latimer where development is supported subject to compliance Policy 11 of the North Northamptonshire Joint Core Strategy and other policies not relevant to this application.
- 7.1.3 Policy 11 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Burton Latimer as a smaller town is a secondary focal point for smaller scale development.
- 7.1.4 Policy 6 of the North Northamptonshire Joint Core Strategy also states that local planning authorities will seek to maximise the delivery of development through the reuse of suitable previously developed land and buildings within the urban areas such as this. Policy 22 also supports development which delivers a strong economy, including that which prioritises the existing employment sites and the regeneration of previously developed land.
- 7.1.5 The submitted planning statement sets out that the grant of planning permission will directly retain 7 full-time jobs which were created through the existing unauthorised use which has operated for 3+ years at the site and which this planning application seeks to regularise. Whilst the site was previously identified as being in a rural area and was formally a rural farm complex, inclusion of the site within the settlement boundary of Burton Latimer means that rural policies no longer apply.
- 7.1.6 Despite this, the aforementioned policy support and the fact that the retrospective proposal is situated on a site within the designated settlement boundary for Burton Latimer, which is not located in a sensitive area, and is surrounded by permitted uses characterised by industrial / commercial development some of which are emerging, weighs in favour of the proposal. As discussed within this report, the proposal is considered satisfactory with respect of other material considerations subject to planning conditions which will enable tighter control over the existing operations, and on this basis the proposal is considered acceptable in principle and in accordance with the aforementioned National and Development Plan policies.

7.2 **Visual Impact**

- 7.2.1 Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraph 126 sets out that good design is a key aspect of sustainable development.
- 7.2.2 Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

- 7.2.3 The site is located on a former farm site which has subsequently been used for a number of commercial uses including pyrolysis (waste processing). To the north is the A14 with residential properties beyond and to the east is Segro Park Kettering Gateway which is industrial and warehousing space benefiting from outline permission with further consents issued. Within Blackbridge Farm itself there are a number of commercial uses. Whilst agricultural land is located to the east and some remain to the south, land to the west/south is being developed for industrial and warehousing, the prevailing surroundings are not visually sensitive.
- 7.2.4 The proposal will introduce a portacabin, loading and parking bays and plant associated with the production of cement to facilitate the industrial use which is characteristic of surrounding development. The main visual impact of the use is the associated plant (loading conveyor, mixing hoppers and silo's) which is currently visible from a limited number of vantage points including distance views from the A6 to the southwest and Cranford Road (passing Windmill Cottages). The proposed office and mess room are less conspicuous owing to their single storey scale and position within the site. As already discussed, surrounding land to the west and south benefits from planning permission for significant industrial / distribution development (SEGRO Park). The approved Masterplan indicates a large 14.4ha unit which will obstruct future views from the west when built out and will significantly alter the historic agricultural character of the area.
- 7.2.5 Views of plant from other directions are obscured to varying degrees by the A14 to the north and existing built or landscape features in other directions, although intermittent views of plant equipment are exposed along Cranford Road where these features are absent and parts of the public right of way UA/005 (to the south east). Whilst their visibility is possible, given their visual distance from the nearest residential properties which do not form part of Blackbridge Farm (i.e. Windmill Cottages) by approximately 400 metres and the commercialised character and history of permitted commercial uses within Blackbridge Farm and surrounding area, the impact of the proposed plant and buildings themselves is not significantly harmful despite being conspicuous at certain vantage points. The impact will be lessened further in places from footpath UA/005 due to the additional separation distance.
- 7.2.6 The proposal includes site illumination to facilitate operations when daylight hours are limited in the form of seven no. floodlights. Paragraph 185, Section 15 of the National Planning Policy Framework requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and the sensitivity of the site or the wider area to impacts that could arise from the development. Criterion (c) states that in doing so, the impact of light pollution from artificial light on the local amenity, intrinsically dark landscapes and natural conservation should be limited.
- 7.2.7 In this instance, whilst illumination will make the plant more conspicuous, this will be limited by control over operational hours as discussed in section 7.3.11 of this report and as already discussed, views will generally be limited by intervening features and adequate separation distance from the most sensitive receptors which do not directly orientate towards the site. Taking this into account, the pre-existing commercial character of the site and surrounding area, and lack of landscape

designation which would seek for greater protection of the area, and the limited biodiversity value of the immediate site due to the above, the proposed illumination is not considered to have a significantly harmful impact and for the reasons already discussed subject to condition securing that they are not illuminated outside of operational hours. Subject to this, the proposal is considered acceptable in terms of its impact on the visual amenity and accords with the relevant parts of sections 2, 12 and 15 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.
- 7.3.2 Section 15 of the NPPF places emphasis on seeking for development which contributes to and enhances the local environment. The policy covers matters relating to both soil, water and air quality and seeks for development to prevent such impacts and wherever possible, help to improve local environmental conditions such as air and water quality.
- 7.3.3 Paragraph 185 also states that *'Planning... decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment....[and seek to] (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'*
- 7.3.4 *Planning decisions should also seek to contribute towards compliance with relevant limit values or national objectives for pollutants with respect of air quality, and take opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, etc.*
- 7.3.5 In addition, Paragraph 187, seeks for planning decisions to *'ensure that new development can be integrated effectively with existing businesses and community facilities....[which should not have] unreasonable restrictions placed on them as a result of development permitted after they were established'*.
- 7.3.6 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy also seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area; it also requires that new development should prevent contributing towards unacceptable levels of soil, air, light, water, noise pollution.
- 7.3.7 With this in mind, Paragraph 2.10 and 2.11 of the submitted planning statement supporting the planning application sets out mitigation measures for controlling dust suppression to minimise impacts on air pollution including the use of sprinkler

systems, wind protection to receptor hoppers and conveyors, delivery vehicles fitted with board relief valves and filtration system, and silo's with automatic cut off system.

- 7.3.8 A collective objection has been received from the occupiers of 1-4 Windmill Cottages, Cranford Road, Burton Latimer. Objection relating to residential amenity focuses on a number of impacts including noise/vibration associated with vehicle movements which the comment states has been significantly underestimated (420 movements per week as opposed to approximately 318 reported by the applicant); air pollution associated with the vehicle movements in terms of debris/dust from the passing vehicles; concerns regarding the health impacts of cement dust, all of which will affect their overall amenity, health and wellbeing. Third party comments also raise the issue of cumulative impacts resulting from vehicle noise associated with the proposed use and pre-existing permitted uses such as those connected with the Bennie Group, etc.
- 7.3.9 Comments received from the Environmental Protection Team are mindful of potential noise impacts arising from the site and recommend submission of an air quality and noise assessment, so that these impacts originating from the site can be assessed and mitigated accordingly to an acceptable level. This would normally be applied as pre-commencement conditions. However, given that the application is retrospective and has been operational for more than 3 years with no complaints registered within the Environmental Protection Team in connection with the existing operator, a pragmatic approach is adopted to require this information and any relevant mitigation measures to be implemented within 6 months of the decision being issued. The North Northamptonshire Council's Environmental Protection Team object to the proposed hours of operation and seek for these to be reduced by planning condition to ensure impact on neighbouring amenity is limited to an acceptable level. As a result, operational hours would be reduced slightly during the week starting 30 mins later in the morning at 07:00 and more significantly on Saturdays (starting 08:00 – 16:00 instead of 06:30 – 19:00) and at no time at all on Sundays or Bank Holidays.
- 7.3.10 Whilst the control on operational hours will not fully address the impacts arising from vehicles movements travelling to and from the site which the occupiers of 1-4 Windmill Cottages report to cause disturbance which affects their health and wellbeing, it will act to reduce these to what may be considered an acceptable level as a direct result of limiting operational hours of the site; the air quality assessment and any mitigation measures identified as being necessary should also secure air quality in the area to meet minimum recommended standards as a result of the proposed use.
- 7.3.11 Comments received from North Northamptonshire Council Local Highway Authority raises no objection subject to a number of conditions, one of which includes the submission of a construction management plan relating to outstanding development associated with the access track; a planning condition will also require the operator to put in place measures to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris; this will help to mitigate against some of the impacts raised by these third parties with respect of odour/dust.

- 7.3.12 Although two residential properties are located immediately to the east of the site, they abut Blackbridge Farm and have close associations with the operation of the wider farm which this application site forms part of; no consultation comments have been received from the occupiers of these properties. Whilst the impact on neighbouring amenity of the occupiers of these properties are a material consideration, this is given less weight for the aforementioned reasons. Notwithstanding this, controls on the operational hours of the use will benefit these occupiers also.
- 7.3.13 As discussed within sections 7.2.7 of this report, specified illumination will be present within the site and is fixed on to the plant and at key locations within the site and will not significantly harm the neighbouring amenity particularly given the restricted hours condition proposed. However, to safeguard amenity further a planning condition is recommended to prevent the proposed lights being illuminated outside of the permitted operational hours to safeguard neighbouring amenity.
- 7.3.14 As a result of the above measures, it is considered that impact on neighbouring amenity with respect of dust/odour, light and noise arising from the site can be mitigated to an acceptable level. Whilst the level of vehicle movements to and from the site will increase significantly and generate additional noise/vibration within the highway, which together with existing vehicles movements associated with existing commercial uses located off Cranford Road will have a cumulative impact on neighbouring amenity, no objections have been raised from statutory consultees (North Northamptonshire Council's Local Highway Authority or Environmental Protection Team) with respect of this aspect of the proposal subject to the conditions referred to. Given that the scale of the operation does not meet the threshold for submission of a transport statement, this also indicates that the impacts are at the lower end of the scale. The reduction in operational hours, particularly at weekend periods will act to reduce these potential impacts beyond what the applicant is seeking, which should reduce noise impacts to an acceptable level.
- 7.3.15 Subject to these conditional matters being secured by planning condition, , the controls put in place are considered sufficient to ensure that the proposal will not have a significantly unacceptable in terms of neighbouring amenity despite amenity being adversely affected. Subject to this, the proposal accords with the relevant parts Sections 12 and 15 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy.

7.4 **Impact on Parking and Highway Safety**

- 7.4.1 Section 9, paragraph 110(b) (NPPF) states that when considering applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'*. Paragraph 111 (NPPF) states that *'development should be refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

- 7.4.2 Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.
- 7.4.3 The proposal seeks permission for an alternative vehicular access to the site further north which would create a separate access and internal access road to the Concrete Batching Plant, which would serve to reduce the impact on the adjacent business. It is considered that this will enhance highway safety through Blackbridge farm by reducing the need to share the existing access with neighbouring users and should be secured by planning condition.
- 7.4.4 Most recent comment from the Highways Authority raises no objection based on observation of proposed parking layouts and submitted plans which demonstrate vehicle tracking throughout the site. This is subject to a planning condition securing a construction management plan for the outstanding development and a condition seeking for vehicles entering and leaving the site to be sufficiently covered to prevent material spillage, wind blow and odour nuisance and be cleansed of debris, and for any debris deposited on the adopted highway (maintainable at public expense) during construction to be removed and the highway cleansed. The Local Highway Authority also express that the Local Planning Authority should take a view with respect of whether the proposed parking and servicing provisions are satisfactory.
- 7.4.5 The submission proposes a total of 10 no. vehicle parking bays; one of which is constructed to disability standard, together with 5 parking spaces for LGVs which will be occupied by the cement mixer lorries which will be permanently based at the site. Together, these provisions are considered acceptable subject to a planning condition which secures the proposed parking layout and movement routes through the site in line within the submitted site plan and access, and a further condition to specify the dimensions of the disability parking bay.
- 7.4.6 It is noted that objection from the occupiers of Windmill Cottages has been raised about significant levels of vehicle movements to and from the site which cause a highway safety issues together with concerns about vehicle noise associated with these movements and cement dust and spillage from them (discussed in detail in section 7.3 of this report). In addition, consultation comments state that the Cranford Road is in need of repair, kerbing, and passing spaces due to the narrow width and poor condition of the road which is incapable of allowing cement /HGVs to pass one another without damaging the verge.
- 7.4.7 As already discussed, the third party comments calculate approximately 440-490 vehicle movements a week based on a 5 day operation, which is considered high; the submitted information is clear however that the applicant anticipates it to be closer to 318 (159 each way); the actual figure may be somewhere in between, but the scale of the proposal does not meet the threshold for the North Northamptonshire Council's Local Highways Authority to require submission of a transport statement to assess this further. As already mentioned, the use has been in operation for approximately 3+ years with no complaints/incidences raised by North Northamptonshire Council's Local Highway Authority with respect of this

which would inform their consultation response. It is also observed that Cranford Road is not weight restricted highway which would warrant additional controls.

- 7.4.8 Notwithstanding this, the aforementioned conditions will aid to address the concerns regarding spillages and dust control which could also affect highway safety. It is not *'reasonable'* to require the applicant to enhance the standard of the existing road due to existing deficiencies where enhancement is not required as a direct consequence of the proposed use. In this instance, North Northamptonshire Council Local Highways Authority has not objected to the use of Cranford Road to access the proposed use or made requirements for enhancements to the highway. Significant weight is attached to the Local Highway Authority's comments and whilst the third objections received are material considerations, they are not considered to outweigh the lack of objection from NNC Local Highway Authority subject to planning conditions to control matters already discussed. Subject to this, the proposal is considered acceptable with respect of parking and highway safety impacts and accords with the relevant parts of Section 9 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

7.5 **Environmental Matters**

- 7.5.1 Section 15 of the National Planning Policy Framework seeks for planning decisions to ensure that any risks from ground contamination are mitigated (including land remediation where necessary) and that adequate investigation by a competent person is made in order for sites to be properly assessed, when determining decisions for planning permission.
- 7.5.2 Policy 6 of the North Northamptonshire Joint Core Strategy also states that where development is situated on a site with known or high likelihood of contamination, remediation strategies to manage this contamination will be required and that subject to the Policies in this Plan, planning permission will be granted for development on land affected by contamination where it can be established by the proposed developer that the site can be safely and viably developed with no significant impact on either future users or on ground and surface waters.
- 7.5.3 Policy 8 of the North Northamptonshire Joint Core Strategy also seeks for new development to prevent contributing towards unacceptable levels of soil, air, light, water, noise pollution.
- 7.5.4 Consultation comment from the Environment Agency (EA) states that this is a retrospective planning application for a facility that has been operating since 2017 (approx), with no new built development proposed at this time. However, based on the information available it understands that illegally deposited waste at the site may pose a potential risk to controlled waters which should have been addressed at the time of the site development.
- 7.5.5 This is because the application impacts on land which was subject to illegal waste deposit which was subject to prosecution and an enforcement notice. The enforcement notice (served under Section 59 (1)(a) and (b) Environmental Protection Act 1990) was not fully complied with and remains extant, although the company,

Think Environmental Ltd has been in liquidation since 2014. As a result, Illegally deposited waste remains on the site and there is the potential for land and groundwater contamination from the long term storage of this waste.

- 7.5.6 Controlled waters are particularly sensitive in this location because the site is located upon a Secondary A aquifer. The potential presence of illegal waste deposited at the site presents a potential risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Section 5.6 of the Planning Statement indicates that surface water currently drains to a soakaway. However, detailed information should be provided to demonstrate that the risks to controlled waters from this soakaway are acceptable.
- 7.5.7 The EA therefore seek for further detailed information to be provided to demonstrate that the risks of pollution to controlled waters from the built development are acceptable or have been appropriately managed which can be secured by planning conditions. In light of the above, the EA considers that proposed development will be acceptable if a planning conditions include requiring the submission of a remediation strategy which should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework. Without these conditions the EA would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 7.5.8 Third party comment from the occupiers of Windmill Cottages also raise the above issue, which can be resolved through the proposed planning conditions. Normally these planning conditions would be applied pre-commencement, but due to the retrospective nature of the application the EA have supported a decision to approve the application, subject to the permitted use ceasing if the proposed conditions are not fully complied with within 6 months from the date of the decision notice.
- 7.5.9 Subject to this, the proposal will have an acceptable impact on environmental matters as discussed and accords with the relevant parts of Section 15 of the National Planning Policy Framework and Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

8. Other Matters

- 8.1 **Health and Wellbeing** – Third party comment from the occupiers of 1-4 Windmill Cottages raise concern regarding the increased risk to cancer arising from cement/silica dust and make reference to Health and Safety Executive (HSE) information sheets to support this claim. Neither the case officer nor the Environmental Protection Team Leader have relevant health and safety specialist knowledge of this matter to draw conclusion or advise further. The HSE information sheet '*construction information sheet No. 26 (revision 2)*' does refer to people using cement and conditions associated with this, rather than exposure to fugitive emissions such as that described by the third party representation.

9. Conclusion / Planning Balance

- 9.1 The proposal is acceptable in principle in terms of its location and in terms of its visual impact, impact on neighbouring amenity, impact on parking and highway safety and environmental matters subject to planning conditions discussed throughout this report. Third party objections relating to noise/vibration, dust pollution, highway safety are all material considerations which have been weighed against comments received from statutory consultees including the Local Highways Authority, Environment Agency and North Northamptonshire Environmental Protection Team which have been given significant weight in arriving at this recommendation. As a result, it is considered that with sufficient conditional controls, the impacts arising from the development can be mitigated in order to make the development acceptable and outweigh the third party objections raised despite it being acknowledged that the proposal will have an adverse impact on neighbouring amenity due to noise/vibration arising from associated vehicle movements. On this basis, in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. 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 use hereby permitted shall permanently cease on the date that is 6 months from the date of this decision notice UNLESS before that date an air quality assessment to assess the impact of the development on local air quality and the community against the National Air Quality Standards and Objectives shall be submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall identify the impact of the existing and proposed development and any exceedance of the air quality objectives, including any proposed mitigation measures. Once approved, the mitigation measures shall be implemented in full within 12 months of the date of the decision notice and retained where appropriate at all times thereafter.
REASON: Details are required within the specified timeframe in the interests of safeguarding residential amenity and to protect public health in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The use hereby permitted shall permanently cease on the date that is 6 months from the date of this decision notice UNLESS before that date a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times. REASON: Details are required within the specified timeframe because any necessary noise measures will be an integral part of the final design and in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The concrete batching activities associated with the use hereby permitted shall permanently cease on or before the date that is 6 months from the date of this decision notice UNLESS a written remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall take place strictly in accordance with the approved remediation strategy. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy shall be implemented strictly as approved. No changes shall be made to components (1) to (4) above without the written consent of the local planning authority.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and

in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

6. The use hereby permitted shall permanently cease on or before the date that is 6 months from the date of this decision notice UNLESS before that date a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan (see condition 5) to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

7. The use hereby permitted shall permanently cease on or before the date that is 6 months from the date of this decision notice UNLESS before that date a comprehensive scheme for the regulated discharge of surface water run-off (including a detailed assessment of the risks to controlled waters) has been submitted to and approved in writing by the local planning authority. Thereafter, surface water drainage shall be dealt with strictly in accordance with the approved scheme.

REASON: To ensure that the development does not contribute to unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

8. The use hereby permitted shall not be carried out before 07:00 hours or after 19:00 hours on Mondays to Fridays, nor before 08:00 hours or after 16:00 hours on Saturdays, nor open or operate at any time on Sundays or any recognised public holidays.

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

9. The pedestrian safe route and parking layout shown on approved block plan (Drawing no. B14/1/20/04 Rev B) received by the Local Planning Authority on 30th November 2020 shall be marked out and implemented in accordance with the approved plan within 1 month of the date of this decision notice and retained in that form thereafter.

REASON: In the interests of safety within the site and providing adequate parking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. The concrete batching activities associated with the use hereby permitted shall permanently cease on the date that is 6 months from the date of this decision notice UNLESS the existing access route (outlined in red) shown on the proposed site plan (drawing number B14/1/20//03B) received by the Local Planning Authority on 30th November 2020 has been implemented in full and permanently

retained free from obstruction and all other routes of access have been permanently closed up (unless granted by separate planning approval).

REASON: To ensure that the proposal is operated in strict accordance with the approval and conflict with other uses operating on adjacent land is avoided and adequate vehicle manoeuvring routes are kept free from obstacle in the interests of safety within the site and adjacent highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Prior to the commencement of any part of the operational development (e.g. creation of the northern access route, etc) hereby permitted, a Construction and Traffic Management Plan must be submitted to and approved by the Local Planning Authority. The Construction and Traffic Management Plan must include and specify the provision to be made for the following:

" Directional signage (on and off site).

" A map, suitably scaled, to be printed and given to drivers detailing the routes to be used to access the site from the wider highway network.

" Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles.

" The location and type of wheel washing facilities.

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

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

12. The use hereby permitted shall permanently cease on the date that is 4 months from the date of this decision notice UNLESS, the developer has submitted to and approved in writing by the local planning authority a written scheme for the control of odour, dust and spillage on the highway of materials arising from operational vehicles entering and leaving the site. The submitted scheme shall include measures for operational vehicles arriving or leaving the site to be appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris prior to leaving the site. The scheme will also need to specify the methodology the removal and cleaning of any debris deposited on the adopted highway (maintainable at public expense) during construction of the development or operation of the use hereby approved. The use shall thereafter operate in full accordance with the approved written scheme for control of odour, dust and spillage.

REASON: To protect highway safety from deposits on the highway, which may also become wind borne and contribute to a lower quality of neighbouring amenity and subsequent health and wellbeing in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. No illumination of the site shall occur other than that shown on approved plan B14/1/20/07 received by the Local Planning Authority on 30th November 2020 which shall not be illuminated outside of the operational hours permitted by condition 8 of this planning permission, unless otherwise expressly agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting visual amenity and neighbouring amenity of the area by making the plant less conspicuous and reducing night time pollution and potential harm to local wildlife/biodiversity through a more ecologically sensitive design in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Notwithstanding the requirements of conditions 2 and 9 of this planning permission, the disabled parking bay to be implemented shall measure no less than 3.6 metres wide by 6.2 metres long and shall be marked out as such and retained in that form thereafter.

REASON: To ensure sufficient parking space for less abled users within the site in order to enhance safety in accordance with the Northamptonshire Parking Standards (September 2016) and Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Informatives

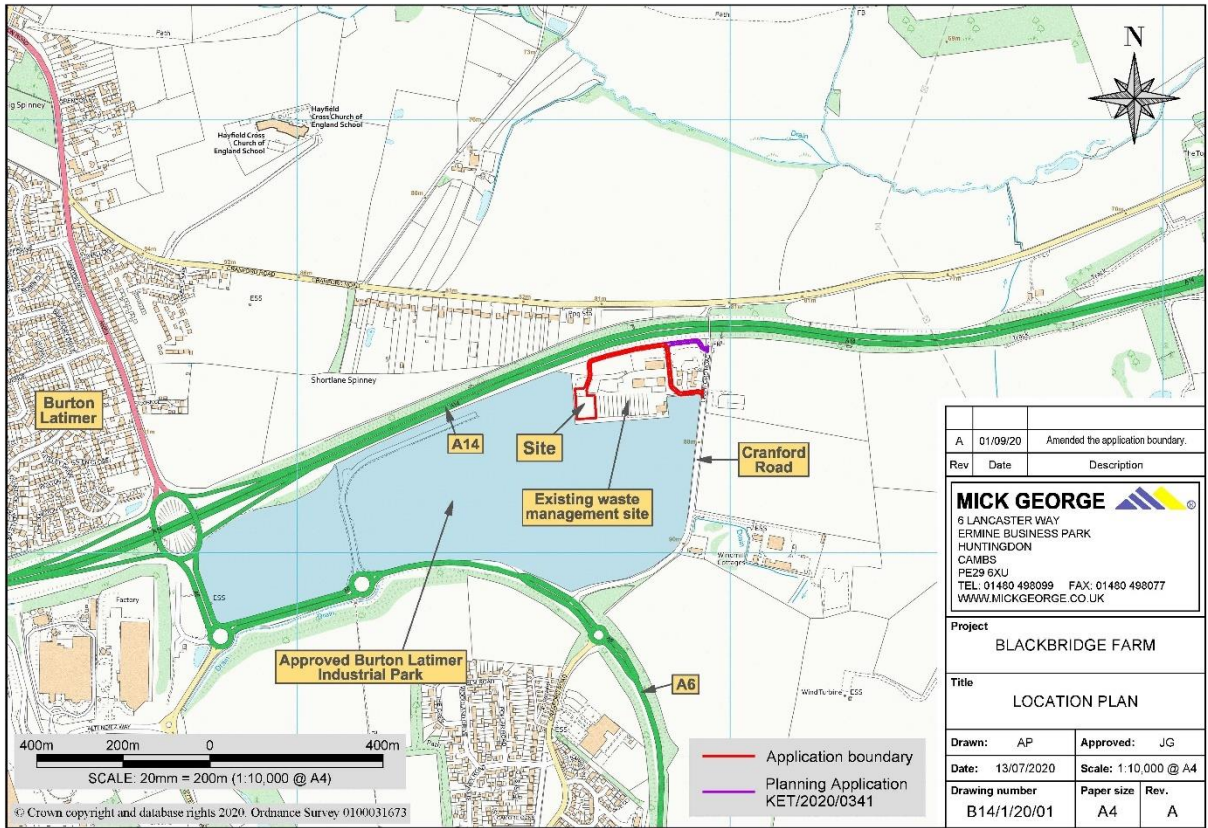
Positive/Proactive - amendments
 EA Environment Agency - Condition 5
 Environment Agency - Condition 7

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		B14-1-20-01A	04/09/20
Existing block plan		B14-1-20-02A	04/09/20
Mess and office floor plans and elevations		B14-1-20-05	04/09/20
Topographical plan		WM-030420-1	13/07/20
Cover letter	KET/2020/0449/2		13/07/20
Planning statement	KET/2020/0449/1		13/07/20
Sewage treatment details	KET/2020/0449/3		04/09/20
Elevation photo 1		EP1A	13/07/20
Elevation photo 2		EP2B	13/07/20
Elevation photo 3		EP3B	13/07/20

Site photos		P1	13/07/20
Covering Letter	KET/2020/0449/2A		30/11/20
Proposed Layout Block Plan		B14/1/20/04 Rev B	30/11/20
Vehicle Tracking Plan		B14/1/20/06	30/11/20
Proposed Site Layout Plan		B14/1/20/03 Rev B	30/11/20
Office and Mess Room Floor Plans and Elevations		B14/1/20/05	30/11/20
Proposed Lighting Locations		B14/1/20/07	30/11/20



Rev	Date	Description
A	01/09/20	Amended the application boundary.

MICK GEORGE 
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 ERMINE BUSINESS PARK
 HUNTINGDON
 CAMBS
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 TEL: 01450 498099 FAX: 01450 498077
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Project
 BLACKBRIDGE FARM

Title
 LOCATION PLAN

Drawn: AP	Approved: JG
Date: 13/07/2020	Scale: 1:10,000 @ A4
Drawing number	Paper size
B14/1/20/01	A4
	Rev.
	A

— Application boundary
 — Planning Application KET/2020/0341

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North Northamptonshire Area Planning (Kettering) Committee 13/12/2021

Application Reference	KET/2020/0815
Case Officer	Nicola Wheatcroft
Location	Maplefields School, Beatrice Road, Kettering
Development	Full Planning Permission: 14 no. dwellings with access road and associated works
Applicant	Castlegate 772 Ltd.
Agent	Mr R Bradshaw DLP Planning Ltd
Ward	All Saints
Overall Expiry Date	02/03/2021
Agreed Extension of Time	

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

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because a ward member has asked for it to be considered.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Full Planning Permission is sought for 14 no. dwellings with access road and associated works. Five dwellings are proposed to front Beatrice Road comprising

one bungalow and four x two storey detached houses. Five dwellings (two bungalows and three houses) fronting Britannia Road together with the vehicular access into the centre of the site where are a further four bungalows are proposed served off a private drive.

- 2.2 The scheme has been revised slightly in response to the Design comments by relocating the bungalows within the centre of the site and introducing some design improvements, including more bay windows and the removal of some of the gable features.

3. Site Description

- 3.1 The site is an irregular shaped parcel of land, which was a former school, is situated between two parallel streets: Britannia Road and Beatrice Road. Further to the closure of the school the site has remained vacant. The school sports hall has been retained adjacent to the site and has planning permission to be used as a community facility
- 3.2 The site is mostly surrounded by residential dwellings except to part of the east boundary where it abuts commercial development off Britannia Road. There is a mix of dwelling types with bungalows, detached and semi-detached houses. The overriding character of the area is one of straight parallel streets and strong building lines and a prevalence of low boundary walls along front gardens.
- 3.3 There were some trees on site close to the proposed vehicular access off Britannia Road, these have been removed part of the site clearance works.

4. Relevant Planning History

- 4.1 KET/2019/0480 - Access, appearance, landscaping, layout, and scale details in respect of KET/2016/0303 (Demolition of school buildings and construction of up to 17 no. dwellings) – refused March 2020
- 4.2 KET/2016/0303 – Demolition of school buildings and construction of up to 17 no. dwellings with associated access, open space, and landscaping – granted November 2016

5. Consultation Responses

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

- 5.1 Parish / Town Council
No observations received

5.2 Neighbours / Responses to Publicity

A total of 11 letters of representations have been received from 9 households, including 5 letters of support. The main issues raised are summarised below:

- Overlooking of garden and property from landing window;
- Would like a 2.4m fence ;

- Area behind hall will become wasteland and subject to antisocial behaviour
- Anti social behaviour since the school has been left empty, would like to see small residential development;
- Is there going to be social housing?
- The mix of housing is acceptable and the bungalows in the middle of the site is favourable;
- Some loss of trees , but landscaping shown on plans;
- Carport for no.6 is too close to adjacent fence for maintenance;
- Tree protection measures;
- The development is in keeping with the area;
- The provision of bungalows is welcome;

5.3 Local Highway Authority (LHA)

No objection, but the following comments are raised:

- Pedestrian splays for plot 1 still fall within the adjacent car park land. The LPA should take a view on this;
- The proposed access road off Britannia Road is designed as a shared private drive serving 4 dwellings. Road markings are not required on private drives;
- An accurate and scaled plan detailing the following standard requirements for the shared private drive access onto Britannia Road is required;
- Utility covers and carriageway gullies must not be located within vehicle crossovers;
- The LHA do not accept single garages to count as a parking space for a 2/3 bed dwelling;
- Carports should be conditioned to prevent enclosure or gating of the access;
- Visitor parking provision is 6 spaces and a Parking Beat survey has been submitted which demonstrates that there is capacity for the additional parking within the local road network;
- The LPA should take a view as to whether each dwelling should incorporate electric vehicle parking or sufficient ductwork to enable future installation by the resident.

5.4 Lead Local Flood Authority

Insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development

5.5 Joint Planning and Delivery Unit Design Surgery

- Is public open space required on site ;
- No justification for existing tree removal;
- Whilst the current layout is better than it was, it still appears pinched, with small spaces left over that may be poorly maintained, plus the narrow landscaping strips should be reconsidered;
- If the number of units is crucial then smaller units or different dwelling types should be used instead;
- If the units had front gardens that were paired up rather than separated by footpaths it will create the illusion of a greener scheme;

- Bungalows: would be better located in the centre of the scheme with a gabled bungalow (A1) type located to terminate the view;
- Scheme needs to relate better to the surrounding context in terms of materials and detail design;
- Ground floor bay windows should be introduced, double gablets are not typical of this area and should be replaced with full gables;
- Substantial planting areas are required;
- Category b on the east/west boundary – plot 7. And plot 10 have root lines beneath properties.
- Site is adjacent to a sports facility which requires careful consideration.

5.6 Lead Local Flood Authority

Insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

5.7 Clinical Commissioning Group

Confirm there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the proposed new development and request a S.106 £7,764.72 contribution.

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 6: Development on Brownfield Land and Land Affected by Contamination
Policy 8: North Northamptonshire Place Shaping Principles
Policy 9: Sustainable Buildings
Policy 11: The Network of Urban and Rural Areas
Policy 28: Housing Requirements
Policy 29: Distribution of new homes
Policy 30: Housing Mix and Tenure

6.4 Local Plan for Kettering Borough (saved policy)

Policy 35: Housing: Within Town

6.5 Site Specific Part 2 Local Plan (SSLP) (2020) Submission Plan

Policy HOU1: Windfall and Infill Development

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

- 7.1.1 The site is located within the town boundary of Kettering, as defined in the Local Plan for Kettering Borough, in an established residential area. Policy 35 of the Kettering Borough Local Plan states that planning permission will normally be granted for proposals for residential development within the Town boundaries where the proposal is compatible with other policies and proposals in the Plan.
- 7.1.2 The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and then the open countryside.
- 7.1.3 Policy 11 of the North Northamptonshire Joint Core Strategy directs development towards the Growth Town of Kettering and market towns. Growth towns are the focus for infrastructure investment and higher order facilities to support major employment, housing, retail, and leisure development. The site is located within the urban area of Kettering and is a brownfield site which will provide additional housing. This is in line with Policy 11 of the JCS.
- 7.1.4 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development if it complies with the place shaping principles outlined within the policy. For example, there should be no adverse impact on character and appearance, residential amenity of existing or future occupiers and the highway network.
- 7.1.5 The SSP2 is at an advanced stage in preparation, the Inspector's Report was received on 2 July 2021. The report concluded that with the recommended Main Modifications, the Plan is sound. The Council is now advancing the Plan through the Committee process towards adoption. Policy HOU1 states that infill development within settlement boundaries will generally be accepted provided that there is no erosion to the character and appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents and they meet the requirements of policy set out in the JCS. These matters are considered further below.

7.1.6 The principle of the proposal therefore is in conformity with the adopted Local Plan, the JCS and the emerging SSP2. Furthermore, the principle of residential development has been established through the grant of outline permission for application KET/2016/0303. Therefore, the residential development of the site is acceptable in principle.

7.2 Visual Impact

7.2.1 Policy 8 (d) of the JCS, which consistent with chapter 12 of the NPPF seeks development to create a distinctive local character by responding to wider character and local context.

7.2.2 Beatrice and Britannia Roads are characterised by a range of different housing types including bungalows, two storey semi-detached and detached houses all located within linear plots located close to the back of the highway. The development proposes a mix of bungalows and detached houses, with the middle element allocated for bungalows.

7.2.3 In layout terms the development follows the clearly defined building line along Beatrice and Britannia Roads, with the dwellings set back sufficiently to accommodate drives for car parking. In the middle section of the site a small private drive is proposed accessed from Britannia Road for 4 bungalows. The noticeable difference between the proposed development and existing housing is the rear garden size. The existing housing have gardens typically 30m in depth, the proposal will have significantly smaller gardens around 10m. This will introduce a different character to the area but one that it is not uncommon in residential areas when brownfield sites are redeveloped. The middle part of the site will have a clear and separate identity with a bungalow terminating the view.

7.2.4 The Council Design Review Panel raised concerns about the development appearing 'pinched' with little area for landscaping. It is accepted that the site is more tightly developed than surrounding areas, and the reduction of a unit or two or reduction in size of the dwellings would allow a more spacious character. However, the density equates to 30 dwellings a hectare which is an acceptable density for new development. In addition, the applicant has tried to introduce more landscaping to soften the drive (which is discussed in more detail in the landscape section below) and on balance it is considered that the layout will create a varied neighbourhood with a mix of densities in line with Policy 8 of the JCS.

7.2.5 The appearance of the proposed dwellings is typical of much new build housing and the design team commented on the need to relate the design and materials to the surrounding dwellings. The scheme has been altered to remove the double gables on the front elevations of the houses which are not typical of this part of Kettering. However, there are missed opportunities to align the development more closely to the surrounding housing, by for example including more bay windows. On balance, the design is considered to be broadly acceptable and the use of good quality materials which can be controlled through a condition will help to elevate the scheme.

7.2.6 Whilst there are concerns from a design perspective, the improved layout with bungalows in the centre of the site ensures that the site is developed efficiently and will not be visually intrusive. The proposal will be in character with the form and appearance of residential development in the area. As such the proposal is in accordance with Policy 8 (d) of the JCS which requires development to reflect surrounding residential character and density. The proposal is therefore acceptable in this regard.

7.3 **Impact on Neighbouring Amenity**

7.3.1 Policy 8 of the JCS seeks development to prevent harm to residential amenities of neighbouring properties, by reason of overbearing, loss of light or overlooking.

7.3.2 The siting and orientation of the majority of dwellings facing onto Beatrice and Britannia Roads will ensure that there is no undue impact on the amenity of adjacent houses from loss of privacy or loss of light. And the location of four bungalows within the centre of the site will protect the amenity of the surrounding houses due the single storey nature of the development.

7.3.3 Within the development, the dwellings have been orientated and sited sufficiently far enough away from each other to protect residential amenity.

7.3.4 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.

7.4 **Highways**

7.4.1 Policy 8(b) (ii) of the JCS requires development to make safe and pleasant streets by ensuring a satisfactory means of access and provision for parking, serving and manoeuvring.

7.4.2 The Councils Highway Engineer initially raised concerns about the scheme with regard to pedestrian and highway visibility. These matters have been addressed by the applicants through the submission of revised plans and final comments are awaited from the Highway Engineer.

7.4.3 The proposal includes a garage together with a parking space for each dwelling to provide the off-street parking requirement for the development. The Highway Engineers do not accept single garages to count as a parking space for a 2/3 bed dwelling. In addition, house type A1 does not accord with the width requirements. However, on balance, the scheme does provide on plot parking for each dwelling and will be available for the occupier to use and this meets the principle of Policy 8(b)(ii). It is considered that a refusal on parking grounds could not be substantiated at any appeal.

7.4.4 A total of 6 visitor spaces are required to serve the proposed development. A Parking Beat Survey was provided and demonstrated that there was availability for 6 vehicles to park in the surrounding streets within the prescribed 200m radius

from the site. As a result, the provision of visitor parking on the local road network instead within the application site is considered acceptable.

- 7.4.5 The scheme would not prejudice highway safety and there would be adequate parking within the site so the proposed development would be in accordance with Policy 8 of the JCS.

7.5 Landscaping

- 7.5.1 Policy 3 of the JCS requires that development should be located and designed in such a way that is sensitive to its landscape setting. Policy 4 of the JCS seeks a net gain in biodiversity as a part of redevelopment of a site.
- 7.5.2 The application is accompanied by a Tree Survey which details that there is 1no. individual tree and 1no. group of trees immediately adjacent to the site which are of moderate quality where the root protection area and/or crown spread of the trees form a construction exclusion zone. The car port to Plot 6 will conflict with the root protection area of Group G1, as will the footprint of Plot 7 house, albeit to a very marginal degree. To mitigate for any adverse impact that might occur a low impact/minimal dig design for the foundation of the car port will be required and this matter can be controlled through a condition.
- 7.5.3 The opportunities for further landscaping are limited because of the level of development within the site. However, the scheme has been revised to incorporate a 1.3m wide planted border around the private drive and more significant planting along the rear boundaries of plots 10 to 14. These amendments will help to landscape and soften the built development and the exact planting details will be controlled through a condition.
- 7.5.4 A preliminary ecological assessment has also been submitted with the application which demonstrates that the site generally has low ecological potential although two of the buildings have moderate potential for bats. Consequently, further surveys are required to establish whether the buildings are being used as bat roosts and this is controlled through a condition.
- 7.5.5 Policy 4 of the JCS seeks to secure a net gain in biodiversity as a result of new development to protect and enhance biodiversity. There are opportunities to secure improvements to the biodiversity of the site through species rich planting and the introduction of bird and bat boxes. A condition is proposed requiring the submission of a biodiversity enhancement scheme to introduce such measures.
- 7.5.6 No open space is provided as part of the current application. Outline application KET/2016/0303 did propose an area in the centre of the site to be used for such purposes, however, there is no policy requirement for the provision of open space within a scheme of 14 dwellings.
- 7.5.7 Overall, it is considered that the proposal respects the landscape setting and will look to enhance the landscape through additional planting in line with Policy 3 of the JCS.

8. Other Matters

- 8.1 An Archaeological assessment has accompanied the application which demonstrates that there were no early archaeological deposits on the areas investigated.
- 8.2 Comments from the Lead Local Flood Authority are awaited on the revised application and Members will be updated at the meeting of any observations.
- 8.3 The size of the application is below the threshold for the provision of affordable housing. The NHS Clinical Commissioning Group (CCG) have requested a contribution of £7,764.72 towards expanding/improving capacity to care for the potential additional patients that will be created as a result of the provision of an extra 14 dwellings. Whilst the provision of additional primary healthcare facilities may be required, in the absence of any clear plans for the delivery of the new facilities it is considered that the request does not meet the tests of planning obligations as specified in paragraph 57 of the NPPF. Whilst the applicant has raised no objection to the proposed contribution, as it is not in line with Government guidance, the contribution should not form any part of the decision-making process.

9. Conclusion / Planning Balance

- 9.1 The proposal involves the redevelopment of a redundant school site which has been the subject of vandalism and disturbance to local residents. The scheme involves the provision of 14 dwellings within the centre of Kettering which is in line with Policy 11 of the JCS and Policy HOU1 of the SSLP2. The proposal respects the character and appearance of the site's surrounding, the residential amenities of the area and highway safety in compliance with Development Plan policies and guidance contained within the National Planning Policy Framework.

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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A to E of Part 1 of Schedule 2 of the Order shall be constructed on or within the curtilage of any of the houses hereby permitted.

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

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

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

5. The development hereby permitted shall be carried out in accordance with the Tree Report prepared by RGS Arboicultural Consultants dated July 2021 with regard to the protection of the group of trees in G1 during the construction of the car port for plot 6.

REASON: To protect the health and stability of the trees to be retained on the adjacent site in accordance with Policy 8 of the Joint Core Strategy.

6. 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.

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

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

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

REASON: In the interests of safeguarding biodiversity in compliance with the requirements of Policies 4 and 8 of the Joint Core Strategy and with the guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of development a Demolition and Construction Method Statement 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 highway safety and residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

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

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the car port serving plot shall remain as a car port with no enclosure of sides in accordance with the approved plans.

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

12. The dwellings hereby permitted shall not be occupied until a scheme for biodiversity enhancement has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure that biodiversity enhancements are introduced in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

12. Informatives

Positive/Proactive - amendments

List of plans

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

Title	KET Ref.	Agent's Ref	Received Date
Location plan		C32-001A	23/11/20
Existing site plan		C32-010	23/11/20
Proposed site plan		C32/225A	1/10/21
Proposed materials plan		C32-030F	23/11/20
House type A1 proposed elevations, floor plans & roof plan		C32-321	23/11/20
House type A2 proposed elevations, floor plans & roof plan		C32-322	23/11/20
House type B1 proposed elevations, floor plans & roof plan		C32-323	23/11/20
House type B2 proposed elevations, floor plans & roof plan		C32-324	23/11/20
House type C proposed elevations, floor plans & roof plan		C32/326B	14/07/21
House type D proposed elevations, floor plans & roof plan		C32/327A	14/07/21
House type D2 proposed elevations, floor plans & roof plan		C32-328A	14/07/21
House type E1 proposed elevations, floor plans & roof plan		C32-329A	14/07/21

House type E2 proposed elevations, floor plans & roof plan		C32-330A	14/07/21
House type F1 proposed elevations, floor plans & roof plan		C32-331	23/11/20
House type F2 proposed elevations, floor plans & roof plan		C32-332	23/11/20
Proposed boundary and materials plan		C32-225A	1/10/21
Design and access statement		N5252	23/11/20
Archaeological report		ENN109058	23/11/20
Bat & bird survey	KET/2020/0815/1		23/11/20
Cover letter		JW-N5252P	23/11/20
Ecology report	KET/2020/0815/2		23/11/20
Phase 2 site investigation report		JN1085	23/11/20
Sustainable drainage strategy August 2021			3/11/21
Sustainable drainage strategy appendices 1 of 2			3/11/21
Sustainable drainage strategy 2 of 2			3/11/21



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North Northamptonshire Area Planning (Kettering) Committee 13/12/2021

Application Reference	NK/2021/0810
Case Officer	Nicola Wheatcroft
Location	99 Braybrooke Road, Desborough
Development	Full Planning Permission: Single storey rear extension to replace conservatory
Applicant	Mr & Mrs D Mitchell
Agent	Mr R Mitchell DRM Design & Drafting
Ward	Desborough Loatland
Overall Expiry Date	29/11/2021
Agreed Extension of Time	14/12/2021

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 the applicant is a member of NNC staff working at Tier 4 level and above.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Full Planning Permission is sought for a single storey rear extension to replace conservatory, measuring 7.1m in width and a maximum of 7.3m in depth with a pitched roof and bifold doors.

3. Site Description

- 3.1 The application site is a It is located on the south side of Braybrooke Road towards the western end of the town. It is within an established residential area with 1950s semis to the west and north of the site.
- 3.2 The semi-detached house was probably constructed in the early part of the twentieth century and has a distinctive character with a ventral gable and bay windows. The walls are constructed in red brick with featured stone coursing, and the roof is concrete tiled. A single storey garage was added to the property's side elevation circa 1980s which has been converted to living accommodation, and a more recent conservatory has been added to the rear.
- 3.3 The property has a gravelled front driveway and parking area to the front and an extensive linear rear garden, approximately 70m in length.

4. Relevant Planning History

- 4.1 KET/2017/0882: Garage conversion to habitable room and single storey rear extension, approved December 2017
KET/1986/0542: Erection of garage, approved, July 1986

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
No Observations received.
- 5.2 Neighbours / Responses to Publicity
1 number of letters have been received. The issues raised are summarised below:
- concerns about the depth of disturbing the ground next to glass conservatory

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 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas
Policy 29: Distribution of new homes

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

6.5 Site Specific Part 2 Local Plan
Policy 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 & Compulsory Purchase Act 2004 replaces section 54(A) of the Town & Country Planning Act 1990 and states that if regard is to be had to the development plan for the purpose of any determination under the Planning Act, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

7.1.2 The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and the open countryside. Development in the villages and open countryside will only be permitted under certain circumstances.

7.1.3 The application site lies within the designated town boundary of Desborough where development is considered appropriate, in accordance with policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS). Policy 11 of the JCS directs development towards the market town of Desborough.

7.1.4 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example, there should be no adverse impact on character and appearance, residential amenity and the highway network. These matters are considered further below.

7.1.5 The proposed development is located within the market town of Desborough where a single storey rear extension is considered acceptable in principle, subject to the satisfaction of the development plan criteria as detailed below.

7.2 Visual Impact

- 7.2.1 Policy 12 of the NPPF requires good design while Policy 8 of the JCS requires new development to be of a high standard of design, architecture and landscaping and to create distinctive local character which respects and enhances the character of its immediate and wider surroundings.
- 7.2.2 The proposed extension will be located at the rear of the house and will replace an existing conservatory. The extension will be of an appropriate scale in relation to the size of the house, its simple design with a pitched roof is also considered appropriate and the materials will match the house. As a result the proposed extension will be a sympathetic and subservient addition to the dwelling, which because of its long plot will not be visible from the public realm.
- 7.2.3 For the reasons detailed above the proposal is considered to be acceptable in relation to its impact upon the site's immediate and wider context and local character. The proposal is therefore, in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Policy 12 of the NPPF requires Local Planning Authorities to seek a high standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.
- 7.3.2 It is accepted that the proposed extension is a relatively large addition to the house and any proposal has to be carefully assessed in terms of loss of light to the adjoining dwelling. The extension will be sited 0.47m from the shared flank boundary with no.97 and will have a height of 2.7m to eaves and 4m to ridge. Along the boundary is a 1.8m fence plus a 0.6m trellis, immediately adjacent to the boundary no.97 has a conservatory which extends across the width of the neighbouring dwelling. The proposed extension will change the relationship between the 2 houses but it will not result in any significant loss of light to the conservatory.
- 7.3.3 The proposed single storey extension will have no impact on the adjoining properties in terms of loss of privacy, outlook or overbearing impact and is therefore considered to be acceptable with regard to its impact upon residential amenity and in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

8. Other Matters

- 8.1 Concern has been raised by the neighbouring property (no.97) about the potential impact of the construction of the extension on the adjacent conservatory. The proposed extension will be located 0.47m from the neighbouring conservatory and is unlikely to have any impact on it. However, this is not directly a planning matter as there is other legislation which deals with it including the Party Wall Act and Building Regulation legislation.

9. Conclusion / Planning Balance

- 9.1 The proposed dwelling is sensitively designed and located. There will be no impact on residential amenity. Therefore, the proposals comply with the requirements of the North Northamptonshire Core Strategy Plan Policies and the underpinning principles of the National Planning Policy Framework 2019 and is recommended for approval.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. The 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.
3. 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
Existing and proposed elevations, block and location plans		21017_01	04.10.21
Existing and proposed floor plans, block plan and location plan		21017_02	04.10.21
Conservatory Photo	NK/2021/0810/1		29.09.21



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North Northamptonshire Area Planning (Kettering) Committee 13/12/2021

Application Reference	NK/2021/0814
Case Officer	Natalie Westgate
Location	1 Lindsay Street, Kettering
Development	Full Planning Permission: Change of Use from residential dwelling (C3) to 9 bed HMO (Sui Generis)
Applicant	O.B.Regency Property Management Ltd
Agent	Mr Jelley Alpine Planning Ltd
Ward	All Saints
Overall Expiry Date	29/11/2021
Agreed Extension of Time	15/12/2021

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

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal and the agent is a member of NNC staff working within the Planning & Development Service / at Tier 4 level.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Change of Use from residential dwelling (C3) to 9 bed HMO (Sui Generis)

3. Site Description

- 3.1. The site is located on the corner of Lindsay Street and Crown Street just outside Kettering town centre area. The site consists of a corner residential plot with a large three storey red brick with Welsh slate roof, 9 bedroom property located to the rear of the site. To the north of the site is a small car park owned by St Andrews Church, beyond this are a series of commercial yards and vacant land. To the east is a predominately residential area comprising of Victorian terraces. To the south is Eskdail Street which forms part of the inner distribution road and beyond this the fringe of the town centre. Directly to the west is the vicarage, or former vicarage, of St Andrews Church and beyond that the Church itself.
- 3.2. There are two main drive accesses to the site on Lindsay Street enabling an entrance and exit and a further vehicular access off Crown Street. A high wooden fence runs along the street boundary with Lindsay Street and Crown Street. There is high fencing along the boundary to the west. Dense landscaping and high fencing runs along the boundary to the north.
- 3.3. Site Constraints
Within setting of Listed Building

4. Relevant Planning History

- 4.1. KET/2018/0573 - Change of use from dwelling to residential care home for 5 young adults with learning difficulties – Approved – 25.09.2018
- 4.2. KET/2006/0192 - Demolition of existing dwelling and erection of 16 No. flats and parking spaces – Refused – 25.05.2006
- 4.3. KET/2004/1015 - Single storey and two storey front extensions – Refused – 22.06.2005
- 4.4. KET/1996/0664 - Erection of new vicarage, conversion of existing vicarage to 6 no. one bedroom flats & extension to church car park – Approved – 14.01.1997

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 for the following reasons:
- a) A 9 bed proposal represents over development of the site
 - b) There is insufficient parking on site for the no of units
 - c) There is insufficient information about the extent to which the development meets sustainable design, insulation and energy requirements within policy

In addition:-

- d) Safeguards are required to ensure the survival of the tree on site
- e) Bin storage is insufficient
- f) There are no EV charging points proposed
- g) There are inconsistencies in the plans about the inclusion of ornate windows in the elevations
- h) There is insufficient information about how traffic noise is to be mitigated.

5.2 Neighbours / Responses to Publicity

0 number of letters have been received.

5.3 Local Highway Authority (LHA)

The development requires 9 car parking spaces and 9 secure, covered cycle parking spaces. The proposal provides 8 car parking spaces via an existing private access off Lindsay Street. Whilst this is one short of the requirement as stated above, the site is acknowledged to be in a sustainable location with regards to proximity to public transport links given the 3 bus stops to the south of the site on Eskadill Street to the South. The Local Planning Authority are requested to take a view as to the provision of electric vehicle charging facilities. The proposals include the full quota of the required cycle parking. It is advisable for the cycle shelter to be a lockable facility. There should be a condition to ensure any debris deposited on the adopted highway during construction is to be removed and the highway cleansed.

5.4 Environmental Protection Officer

The proposal site is at the edge of Kettering town centre and is close to the A4300, Eskdaill Street. The published strategic noise mapping indicates that part of the site maybe impacted by unacceptable traffic noise levels. The applicant should demonstrate that acceptable noise levels can be achieved in the bedrooms, at all times, with windows open for ventilation and should be conditioned for protection from noise (all residential in close proximity to road, rail, and non domestic uses). The applicant should be encouraged to provide suitable electric vehicle charging facilities.

5.5 Waste Education and Communications Officer

The bins issued to this address will depend on the number of council tax bills issued at the property. For example, if each room is individually liable for council tax then 9 sets of bin capacity will be issued to the address. If this is the case 1620L of refuse and 1620L of recycling capacity will be issued to the site. If the developer is proposing communal bins to be accessed via Crown Street then the store needs to be no more than 20m from the public highway, stored on hard standing and there must be a clear and flat travel route from the bin store to the RCV. There must also be a dropped kerb to allow the crew to safely wheel the bin from the pavement to the vehicle. The location detailed on the plans looks suitable but there must be appropriate access arrangements put in place to allow the crew to empty from Crown Street.

If there is only one council tax bill issued for the property then only one set of bins will be issued. This will be insufficient for the number of residents and the owner/managing agent will need to pay for additional refuse capacity. This can either be through ourselves or another private contractor. We can provide additional recycling bins free of charge. If the property is issued with individual bins then it is the responsibility of the residents to present these on collection day. If the owner/agent decides to use a private contractor for the additional refuse (in this circumstance) they may not have the same collection day as the refuse bin issued by ourselves. North Northamptonshire Council will not empty any bins that do not belong to us.

5.6 Private Sector Housing Officer

The Private Sector Housing Officer and Fire Officer from NFRS confirm it has sufficient space and amenities for an 9 bedroom HMO with a maximum of 15 occupants (based on some double occupancy rooms). However, I understand the owner will be limiting the occupancy to 9 as only intends to have single occupants due to the nature or their care needs. The property has an interlinked alarm system and fire doors where required and was deemed satisfactory by the Fire Officer.

5.7 Northamptonshire Police

Recommends informatives on the following:

In addition to building regulation and fire safety requirements the following should apply: Ideally the doorsets used to access bedrooms from communal areas should be dual certified for both fire and security. A minimum requirement is that a bedroom doorset must meet building/fire safety regulations with the locking arrangement being multi-point or a certified BS lock fitted with internal thumb turn. Note: Only doorsets supplied as a complete product from a single source deliver the performance standard for fire safety, security, thermal transmittance and other criteria.

The application must meet the requirements of Part Q building regulation 2015 in relation to security as stated by the regulation. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a material change of use.

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 2. Historic Environment
 Policy 4. Biodiversity and Geodiversity
 Policy 6. Development on Brownfield Land and land affected by Contamination
 Policy 8. North Northamptonshire Place Shaping Principles
 Policy 11. The Network of Rural and Urban Areas
 Policy 28. Housing Requirements
 Policy 29. Distribution of New Homes
 Policy 30. Housing Mix and Tenure
- 6.4 Site Specific Part 2 Local Plan
 Policy LOC1. Settlement Boundaries
 Policy HOU1. Windfall and Infill Development: Principles of Delivery
- 6.5 Neighbourhood Plan
 N/A
- 6.6 Other Relevant Documents
Kettering Town Centre Area Action Plan
 Policy 15. The Shopping Quarter

7. Evaluation

The key issues for consideration are:

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

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 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 Joint Core Strategy directs development towards the growth town of Kettering. Policies 6 and 29 of the Joint Core Strategy 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 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.
- 7.1.5 The property, while located outside of the Kettering town centre boundary, is within the Kettering Town Centre Area Action Plan area and forms part of the Shopping Quarter which requires applications to be assessed against Policy 15 of the KTCAAP. This sets out the key regeneration sites SHQ1 -7 within this area that will help to deliver the new retail floorspace during the plan period. The application site does not fall within one of these allocated sites and the policy states that *'development proposals that would put at risk the comprehensive retail led regeneration of Wadcroft/Newlands Phase 1 area, or would adversely affect the potential to enhance and redevelop shopping elsewhere in the Shopping Quarter, will not be supported.'* Given that the property is on the periphery of the shopping quarter and is a change of use, not involving any external changes to the outside of the property it is considered that this proposal will not affect any future regeneration schemes within this Quarter.
- 7.1.6 Policy 8 of the 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.
- 7.1.7 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 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.2.3 There are a range of residential building forms, house types and designs within the locality, including a large block of flats opposite the site. The dwelling is set back from the streetscenes on Lindsay Street and Crown Street. The proposed change of use to No.1 Lindsay Street is located in the proximity of St Andrew's Church which is a Grade II* listed building. The curtilage of the listed building extends directly to the

north of the application site. As the present application is for a change of use that will create minor external changes to the building consisting of two proposed windows on the north eastern elevation, then there will be no impact or harm caused to the heritage asset or significant change to the streetscene. There is condition attached to ensure the new windows will be using matching materials and colour to be in keeping with the other windows on the property and in keeping with the character of the area. As there are minor external alterations there would not be a requirement for sustainable design, insulation or energy improvements. Northamptonshire Police recommended informatives on security which are attached.

- 7.2.4 The existing and proposed floorplans demonstrate 9 bedrooms and the agent is seeking to limit the occupancy to 9 persons as they only intend to have single occupants so a condition is attached to limit the number of occupants within the HMO.
- 7.2.5 The application form states there will be no works to trees within the site and as the trees are not Tree Preservation Order nor is the site within the conservation area there would not be requirement to protect trees within the site. Given there is landscaping proposed there is a condition on landscaping. As there is acceptable existing boundary treatment there is no condition on boundary treatment.
- 7.2.6 The proposal would be appropriate for the locality. Therefore, the proposal is not considered to impact adversely upon the setting of the adjacent listed building nor on the character of the local area to any significant extent and therefore is in accordance with Policies 2 and 8(d) of the Joint Core Strategy.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Policy 8(e)(i) of the JCS seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of noise, smell, light, overbearing, loss of light or overlooking.
- 7.3.2 The property is set back from the pavement on Lindsay Street by approximately 15m; it is also separated from the terraced houses on Crown Street by a similar distance. The first floor windows on the detached dwelling to the west of the property (the Vicarage) are approximately 20m away and it is therefore considered that the change of use will not significantly increase any overlooking or reduce the privacy of the existing neighbours.
- 7.3.3 The proposed use remains for 9 bedrooms and there remains adequate space within the site for external amenity space. Given the change from 1 dwelling to 9 bedroom HMO there is requirement for additional refuse storage. There is adequate space for refuse within the site and full details on refuse is conditioned.
- 7.3.4 The proposal site is at the edge of Kettering town centre and is close to the A4300, Eskdail Street. The published strategic noise mapping indicates that part of the site maybe impacted by unacceptable traffic noise levels. The applicant should demonstrate that acceptable noise levels can be achieved in the bedrooms, at all times, with windows open for ventilation and attached is the condition for protection from noise as recommended by the Environmental Protection Officer.

7.3.5 The proposed development is considered to be in accordance with Policy 8(e)(i) of the Joint Core Strategy and will not create an unacceptable impact upon the amenities of neighbouring properties nor the future residents.

7.4 Highways 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 just outside the town centre with bus links south of the site. The surrounding locality is primarily on-street parking and there are public car parks nearby. Given there would be no additional number of bedrooms, town centre location and provision of sustainable transport then 8 parking spaces are acceptable in this instance. There is a condition attached to ensure adequate parking spaces are provided within the site. There are existing accesses within the site from Lindsay Street and Crown Street.

7.4.3 The site would provide adequate number of cycle parking within the site and there is a condition for full details of cycle storage.

7.4.4 As there is no highway works proposed and there are minimum alterations then I have not attached the recommended condition of the Highways Officer on ensuring debris deposited on the adopted highway during construction is to be removed and the highway cleansed.

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

8. Other Matters

8.1 Neighbour comments:
No neighbour letters were received.

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 of windows, details of the bin and cycle storages, parking spaces, details of landscaping, protection of noise levels, limiting

number of occupants and removal of permitted development rights on first floor windows to south west elevation, 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. The window 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 parking spaces hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.
REASON: To ensure adequate on-site parking provision and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
5. Prior to first occupation of the development, details for the bicycle storage shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as approved thereafter.
REASON: In the interests of general amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
6. Prior to first occupation of the 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.
7. 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. The works approved 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.

8. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore 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.

9. No more than one resident per HMO flat shall live at the property at any one time.

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

12. Informatives

Positive/Proactive - amendments
Security

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		(00)06	30.09.21
Proposed block plan		(00)05	30.09.21
Existing elevations, second floor plan		(00)02	30.09.21
Existing ground & first floor plans		(00)01	30.09.21
Proposed elevations & second floor plan		(00)08	30.09.21
Proposed ground & first floor plans		(00)07	30.09.21
Design & Access Statement	NK/2021/0814/1		30.09.21



Project Title:

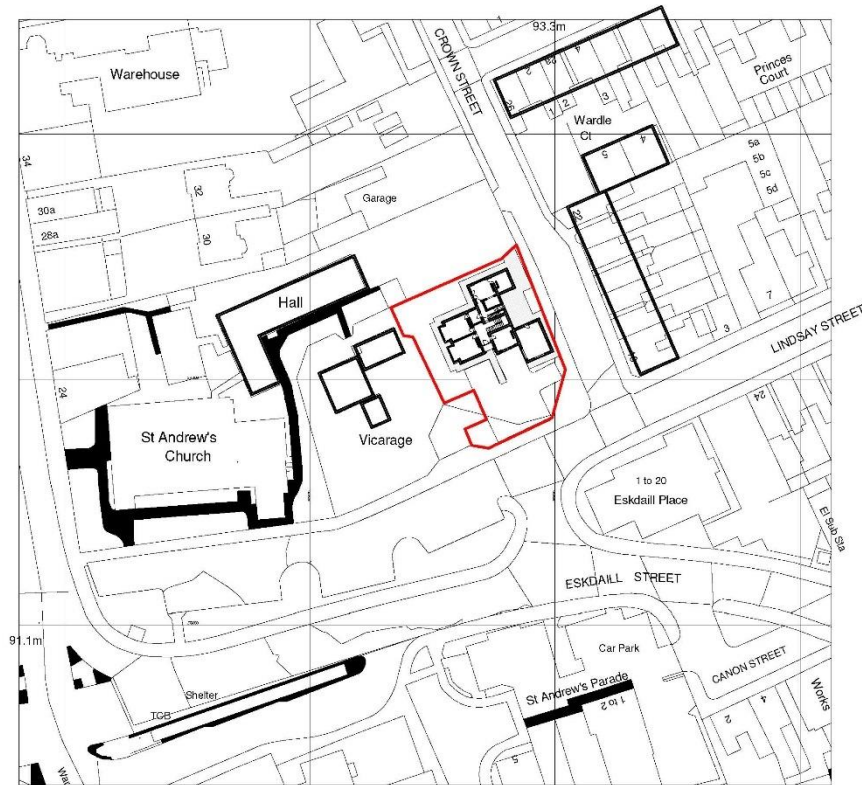
Conversion of Existing Building
into 9 Bed HMO - 21 Crown
Street Kettering

Drawing Title:

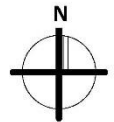
Site Location Plan

Client:

Mr Boateng



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North Northamptonshire Area Planning (Kettering) Committee 13/12/2021

Application Reference	NK/2021/0829
Case Officer	Natalie Westgate
Location	Suffolk Villa, Rushton Road, Rothwell
Development	Full Planning Permission: Change of use from open countryside to residential garden and erection of mobile home ancillary to the main dwelling
Applicant	Mr M Harrison
Agent	Mr A Jelley Alpine Planning Ltd
Ward	Rothwell
Overall Expiry Date	07/12/2021
Agreed Extension of Time	

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

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal and the agent is a member of NNC staff working within the Planning & Development Service / at Tier 4 level.

1. Recommendation

1.1 That planning permission be REFUSED.

2. The Proposal

- 2.1 Change of use from open countryside to residential garden and erection of mobile home ancillary to the main dwelling.

3. Site Description

- 3.1 The application site is located on the southern side of Rushton Road within the open countryside to the north east of the settlement of Rothwell. It consists of a detached house which faces onto Rushton Road.
- 3.2 To the south of the dwelling there is a small hard surfaced garden area which provides access to a large detached building used for storage (granted permission under application ref: KET/2014/0499). To the east of the site is a hard surfaced area used for lorry storage in conjunction with the HGV operating centre under application ref: KET/2002/0684. The remainder of the site which rises up away from the site is grassed. There is to the rear a mobile home which does not benefit from planning permission and is not the same mobile home as being applied for.
- 3.3 Site Constraints
Outside town boundary in open countryside

4. Relevant Planning History

- 4.1 KET/2021/0323 - Certificate of Lawfulness for Proposed Use: Siting of a mobile home for use ancillary to the main dwelling – Refused – 29/07/2021.
- 4.2 KET/2014/0499 - Demolition of existing outbuildings and erection of storage and workshop building – Approved - 10/09/2014.
- 4.3 KET/2002/0684 – HGV operating centre for one vehicle (permanent) - Approved - 19/11/2002.
- 4.4 KET/2001/0279 – Change of use: Use of the site as an operating centre (temporary permission) – Approved - 31/08/2001.
- 4.5 KET/1995/0094 – Erection of 2 no. detached dwellings – Refused - 27/03/1985.
- 4.6 KET/1977/1382 – Erection of refrigerated milk storage building and use of land as milk distribution depot - Approved - 06/01/1978.
- 4.7 KET/1977/0977 – Erection of refrigerated milk storage building and use of land as milk distribution depot – Approved - 14/10/1977.
- 4.8 KET/1977/0277 – Continued use of premises as heavy vehicle depot - Refused - 16/06/1977.

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 Parish / Town Council

Councillors has serious reservations about the nature of this application, particularly around loss of open countryside/green space within the town.

5.2 Neighbours / Responses to Publicity

None received.

5.3 Local Highway Authority (LHA)

The Local Planning Authority must satisfy itself as regards parking and servicing of the site. No objections subject to condition on tying the mobile home to the existing dwelling so that is that the development is to be made ancillary to the main dwelling only.

5.4 Environmental Protection Officer

No comments.

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 3. Landscape Character

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 13. Rural Exceptions

Policy 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

6.4 Local Plan – Site Specific Part 2 Local Plan

Policy LOC1. Settlement Boundaries

Policy RS4. Development within the Open Countryside

6.5 Neighbourhood Plan

Not applicable

6.6 Other Relevant Documents

Rothwell and Desborough North AAP

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

7.1.1 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 proposal seeks to change land from open countryside to residential land and to erect 1 no. detached mobile home on a parcel of land which is set outside the settlement boundary within the open countryside.

7.1.3 The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and then open countryside.

7.1.4 The proposal site is within the Rural Policy Area in open countryside as defined by Joint Core Strategy (JCS) 2016 Policy 11. Policy 11 of the Joint Core Strategy defines the settlement hierarchy which underpins the focus and priorities for new development throughout the borough, with principle focus of housing delivery being directed towards the growth town of Kettering, with secondary focus being directed to the market towns such as Rothwell and then focus on villages. It also states that other forms of development will be resisted in the open countryside unless there are special circumstances as set out in Policy 13 of the Joint Core Strategy or national policy.

7.1.5 Criteria 2 of Policy 13 in the Joint Core Strategy states:

“In open countryside, away from established settlements, permission will not normally be granted for new build residential development, with the exception of:

- a) *Individual dwellings of exceptional quality or innovative design...*

b) *Dwellings for rural workers at or near their place of work in the countryside, provided that:*

- i. *The dwelling is required to enable someone who is in full time employment in agricultural, forestry or similar rural businesses to meet the essential need of the enterprise concerned; and*
- ii. *It can be demonstrated the functional, financial and viability tests...have been met.”*

In this instance, the proposal does not accord with the relevant requirements of this policy.

7.1.6 The housing requirements for the borough and rural area over the plan period are set out in Policies 28 and 29 in the Joint Core Strategy.

7.1.7 Policy RS4 of the Site Specific Part 2 Local Plan states

“Development in the open countryside will be resisted, unless;

a. It meets the requirement of Policy 13, 25 or 26 of the Joint Core Strategy; or

b. It involves the replacement of an existing dwelling; and

i. the proposal is similar in size and scale to the existing dwelling;

ii. is sited on or close to the position of the original dwelling; and

iii. does not detract from the open and undeveloped character of the countryside

c. The development would involve the re-use of redundant or disused buildings and would enhance the immediate setting of the redundant or disused buildings; and

i. the building is physically suitable for conversion or retention;

ii. the building is suitable for the proposed use without extensive alteration, rebuilding, or extension;

iii. the proposal would not have a detrimental impact on the character of the building or surrounding area;

iv. Proposed alterations are in keeping with the design and character of the building and seek to retain original features

d. It involves small scale private equestrian facilities where a need can be demonstrated.”

In this instance, the proposal does not accord with the relevant requirements of this policy.

7.1.8 National Planning Policy Framework paragraph 80 states that local authorities should *“avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

- c) *The development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *The development would involve the subdivision of an existing residential dwelling; or*
- e) *The design is of exceptional quality, in that it:*
 - *Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

In this instance, the proposal does not accord with the relevant requirements of this policy.

7.1.9 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.

7.1.10 The principle of development is considered unacceptable for the reasons set out above.

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 is currently a mobile home which is highly visible from the adjacent open space in Rothwell but this is not part of the application and does not benefit from planning permission. It does demonstrate that the proposed mobile home also to be sited near to the boundary with the open space would be highly visible from adjacent open space and would be dominate alien building that would appear out of character from both outside and within the site.

7.2.3 The loss of the open countryside for residential land would alter the appearance and the character of this open land as there may be residential hard landscaping and large garden furniture which would be visible from the adjacent open space.

7.2.4 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.

7.2.5 The proposal would be inappropriate for the locality in terms of change of character and a dominant alien building would be visible from an adjacent open space. Therefore, the proposal is considered to have detrimental impact adversely upon the character of the local area and therefore is not in accordance 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 residential amenity.
- 7.3.2 The proposed development would have significant separation distances from the neighbouring properties, which are also set off the common boundary and there are significant ground level changes.
- 7.3.3 The proposed development would be overdevelopment of the site. To access into the new residential area you would go through commercial area and indeed there is an unsafe drop in land from the proposed residential garden to an industrial workshop building to the south of the proposed residential area and commercial vehicles would be to west of the proposed residential area so it would not be safe for children to play and would result in an unpleasant outdoor amenity area for future occupier(s) of the mobile home. There is no provision for refuse for the future occupier(s) of the mobile home.
- 7.3.4 It is therefore considered that the proposed development is not in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development would result in an unacceptable impact upon the amenities of the 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 mobile home would be 2 bedrooms and lived in by the occupier's son so there would be requirement for additional parking within the site which is not set out within the plans.
- 7.4.3 It is considered that the proposed development is not in accordance with Policy 8(b) of the North Northamptonshire Joint Core Strategy.

8. Other Matters

- 8.1 Neighbour comments:
No neighbour comments received.

9. Conclusion / Planning Balance

- 8.1 For the reasons given above then the proposal would not be acceptable in terms of loss of open countryside, dominant alien building visible from adjacent open space, and overdevelopment of the site with conflicting uses which would result in a detrimental impact on living conditions for future occupier(s).

10. Recommendation

10.1 The proposal is recommended for refusal.

11. Reasons for Refusal

1. The proposed development is located outside the settlement boundary of Rothwell in the open countryside. It is an unjustified form of development outside of the town boundary, contrary to both local and national planning policy. The proposal would have a detrimental impact upon the character of the area, creating an uncharacteristic development. The proposal does not seek to enhance the intrinsic quality of the countryside and as such the proposal conflicts with paragraph 80 of the National Planning Policy Framework, Policies 11 and 13 of the North Northamptonshire Joint Core Strategy and Policy RS4 of the Site Specific Part 2 Local Plan.

2. The loss of the open countryside for residential land would alter the appearance and the character of this open land as there may be residential hard landscaping and large garden furniture which would be visible from the adjacent open space. The siting and form of the proposed mobile home would result in an unacceptable incongruous and alien feature which would be visible from the adjacent open space within Rothwell and would be out of character with the locality. The proposed development would erode the open character as viewed from the adjacent open space by encroaching into the open countryside. Thereby the proposal would have a harmful impact to the character of the locality contrary to Policy 8(d) (i) of the North Northamptonshire Joint Core Strategy (2016).

3. The proposed development would represent overdevelopment of the site and would provide insufficient and unsafe levels of residential amenity for the future occupants of the site given the conflicting uses within the site. There is no provision for refuse nor parking provision within the site, which would add conflicting pressure for amenity land in the proposed small rear garden for the mobile home. Therefore, the proposal would be likely to have a detrimental impact upon the amenity levels of the future occupants of the site which would be contrary to Policies 8 (b) (ii) and 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

12. Informatives

Positive/Proactive - refused

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/2021/0829/1		12.10.21
Block plan showing proposed change of use area	NK/2021/0829/3		12.10.21
Block plan showing proposed mobile home		4-25.v1r0	05.10.21
Proposed elevations		6-22.v1r0	05.10.21
Proposed floor plan		5-21.v1r0	05.10.21
Design & Access Statement	NK/2021/0829/2		05.10.21



Title: Suffolk Villa, Rothwell

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