

# Public Document Pack




**Meeting:** Area Planning Committee (Kettering)  
**Date:** Thursday 31st March, 2022  
**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

Agenda			
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Items requiring a decision			
04	Applications for planning permission, listed building consent and appeal information*		
	I) <b>NK/2021/0237:</b> Approval of Reserved Matters: Appearance, landscaping, layout and scale in respect of KET/2017/1019, development of up to 135 no. dwellings	Planning Officer	23 - 36
	II) <b>NK/2021/1002:</b> Full Planning Permission: Change of use from C4 6 no. bed HMO to sui generis 7 no. bed HMO	Planning Officer	37 – 44

Items to note			
05	Delegated officers report		
	None		
Exempt Items			
06	None Notified		
07	Close of Meeting		
	<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p><b>Proper Officer</b> <b>23<sup>rd</sup> March 2022</b></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 Wednesday 30 March 2022
Member Agenda Statements	A request from a Ward Councillor must be received by 12 Noon on the day before the meeting. The Member will be limited to speak for 5 minutes.	12 Noon Wednesday 30 March 2022

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](mailto:monitoringofficer@northnorthants.gov.uk)

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## **Minutes of a meeting of the Area Planning Committee Kettering**

At 7.00 pm on Thursday 3rd March, 2022 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 Ian Jelley

Councillor Cedwien Brown  
Councillor Paul Marks  
Councillor Elliot Keith Prentice  
Councillor Kevin Thurland

#### Officers

Louise Holland	Development Services
Richard Marlow	Development Services
Alan Chapman	Development Services
Troy Healy	Development Services
Nigel Bell	Legal Representative
Callum Galluzzo	Democratic Services

### **86 Apologies for non-attendance**

Apologies for absence were received from Councillor Joseph Smyth.

### **87 Members' Declarations of Interests**

None

### **88 Minutes of the meeting held on 27 January 2022**

**RESOLVED** that the minutes of the meeting of the Area Planning Committee (Kettering held on 27<sup>th</sup> January 2022 be approved as a correct record.

### **89 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. Five speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.

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

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.1 Full Planning Permission: Redevelop eastern half of business park to provide new employment units (Class E - formerly B1) at The Hermitage, Desborough Road, Brampton Ash for Mr T S Guinness, Alistructures Ltd</p> <p>Application No: NK/2021/0306</p> <p><u>Speaker:</u></p> <p>Peter Wilkinson attended the meeting and addressed the committee as the agent on behalf of the applicant. Mr Wilkinson stated that the application represented a transformation for modern businesses and enterprise that was fir for business.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the redevelopment of the eastern half of business park to provide [11] new employment units (Class E -formerly B1)</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 Jelley and seconded by Councillor Carter that the application be approved in line with the officer's recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> 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 shall not be carried out other than in accordance with the approved plans and information detailed below.
3. The development hereby permitted shall be carried out in accordance with the recommendations, protection measures and enhancements contained within the submitted approved 'Arboricultural Assessment' dated December 2020 compiled by FPCR Environment and Design Ltd, the 'Preliminary Ecological Appraisal' referenced BG20.303 dated December 2020 compiled by brindle & green ecological consultants, and, the 'Protected Species Report: Bat Presence/ Absence Surveys' document referenced BG20.303.1 dated September 2021, including the provision of pre-work checks associated with Bats and the Bat/ Bird Boxes and Herptile habitat which shall remain in place for the duration of the development.
4. The Travel Plan referenced 26113-08-TP-01 dated December 2020 compiled by M-EC hereby approved shall be fully implemented within 3 months of the first occupation of development and remain in place for its duration.
5. Prior to first occupation the access shall be provided in accordance with the submitted details approved on 'Access Design' drawing 26113-08-020-01 provided within the 'Transport Statement' dated June 2021 referenced 26113-08-TS-01

Rev. A compiled by M-EC and shall remain in place thereafter. No intermittent illuminated lights shall be placed in the vicinity of the access at any time.

6. The buildings shall be used only for Office (not financial and professional services), Research and development and light industry uses (formerly known as B1) and for no other purposes whatsoever as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any statutory instrument revoking and re-enacting that Order with or without modification).
7. Demolition and Construction work at the site shall not be carried out 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.
8. No article of any description shall at any time be manufactured, assembled, altered, repaired or stored outside the buildings hereby approved.
9. 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.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);



(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

11. Prior to the commencement of the development (including demolition or site clearance) hereby permitted, a full, non-verbose or repetitive, CTMP (Construction Traffic Management Plan) shall be submitted to and be approved in writing by the local planning authority. The Plan is to include the following elements;
- o Detailed work programme / timetable.
  - o Site HGV delivery / removal hours to be limited to between 09:30 - 16:30
  - o Detailed routeing for demolition, excavation, construction and abnormal loads.
  - o Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.
  - o Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
  - o Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
  - o Public liaison position, name, contact details and details of public consultation/liaison.
  - o Details of temporary construction accesses and their remediation post project.
  - o Provision for emergency vehicles.
12. No development shall take place (including any demolition, ground works, site clearance) until a method statement for great crested newts has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);
  - g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

13. Prior to occupation, a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) -identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and

resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 14. Prior to development above slab level being carried out details of the types and colours of all external doors, facing and roofing materials to be used 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 details.
- 15. Prior to commencement of development above slab level a detailed scheme of landscaping (including hard landscaping) which shall contain native species only and shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted shall be provided to and approved in writing 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. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 16. Prior to first occupation of each unit its associated cycle store, parking, bin store, electric vehicle charge points and security lighting & cameras shown on the approved plans shall be available for use and maintained in that manner thereafter.
- 17. Prior to first occupation of the development hereby approved full details of the 'Pedestrian Site Access' shown on approved drawing 20004-01-008-01 shall be provided to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be available for use prior to occupation of the 5th unit and remain in that state thereafter for the duration of the development
- 18. The development hereby permitted shall be accessed via Desborough Road only and at no time shall the access to Hermitage Lane be used by any traffic travelling to or from the development.
- 19. Before any above ground works commence full details of the surface water drainage scheme for the site will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
  - i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures and soakaways (if required).

- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which demonstrate no surcharging for the 1 in 1 year storm, no flooding for the 1 in 30 year storm and any flooding for the 1 in 100 year plus climate change storm event is within areas safe to flood.
  - iii) Cross sections of control chambers and manufacturers hydraulic curves for the control device.
20. Before any above ground works commence a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required
21. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority.
- The details shall include:
- a) Any departure from the agreed design is keeping with the approved principles
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  - e) CCTV Confirmation that the system is free from defects, damage and foreign objects.

*(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 s.73A Retrospective Application: Single storey side extension at 4 Church Close, Braybrooke for Kellner</p> <p>Application No: NK/2021/0842</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which Section 73A retrospective planning permission was being sought for a single storey side extension.</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 Thurland that the application be approved in line with the officer's recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to the following conditions:</p>

1. The single storey extension hereby permitted shall not be occupied other than as a part of the single residential use of the dwelling known as 4 Church Close, Braybrooke, LE16 8LD. The hereby permitted interconnecting door between the study and hall as shown on approved Drawing Number 4774-4-B shall be provided within three months of this decision notice and shall thereafter be permanently retained as such.

*(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>*4.3 Full Planning Permission: Change of use of outbuilding to salon at 22 Bracken Close, Kettering for Miss L Hayes &amp; Mr R Munton</p> <p>Application No: NK/2021/0872</p> <p><u>Speaker:</u></p> <p>Ross Munton attended the meeting and addressed the committee as the applicant stating that following a recent closure of his partners business premises the change of use was necessary in order to serve local clients and that neighbour concerns had been addressed within the planning process. It was stated that there would be a 1:1 basis with clients.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the change of use of outbuilding to salon.</p> <p>Members raised concerns regarding condition 7 which restricted business hours of the salon, members expressed their wishes to relax this condition in order to allow the applicant extended business hours.</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 Jelley and seconded by Councillor Thurland that the application be approved in line with the officer's recommendation and subject to the amendment of Condition 7.</p> <p>It was agreed that the application be <b>APPROVED</b> 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. This permission shall be limited to a period expiring on 4th March 2025. At or before the expiration of this period the use of the building hereby permitted shall be permanently discontinued and the building shall return to a use that is incidental to the enjoyment of the dwellinghouse known as 22 Bracken Close, Kettering, NN16 9BG
3. This permission shall ensure for the benefit of Miss Lucy Hayes of 22 Bracken Close, Kettering, NN16 9BG only and shall not enure for the benefit of the land, and the use hereby permitted shall be discontinued on the date when Miss Lucy Hayes ceases to occupy the premises or on the 4th March 2025 whichever is the sooner.
4. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
5. The development hereby permitted shall be used only for purposes ancillary to the enjoyment of the dwellinghouse as such.

6. The conversion of the outbuilding into a hair salon shall be used only for the purposes of hairdressing undertaken by Miss Lucy Hayes of 22 Bracken Close, Kettering, NN16 9BG and for no other purpose whatsoever (including any other purpose in Classes A, B1 and E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).
7. The use hereby permitted shall not be carried out before 0900 hours or after 1800 hours on Mondays to Fridays, nor before 0900 hours or after 1200 hours on Saturdays, nor at any time on Mondays, Sundays, or any recognised public holidays. The premises shall not be open to the public before 0900 hours or remain open after 1800 hours on Tuesdays to Fridays, nor before 0900 hours or after 1200 hours on Saturdays, nor open at any time on Mondays, Sundays, or any recognised public holidays.
8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates permitted by Schedule 2, Part 2, Class A shall be made in the curtilage boundary fence of the property.
9. No advertisements shall be displayed on the site.
10. No external lighting at a height in excess of 0.5 metres above ground level shall be erected or become operational on the site.

*(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 Full Planning Permission: Mixed use development consisting of 28 no. flats and ground floor commercial unit at 16 - 18a Horsemarket, Kettering for Newlands Development Ltd</p> <p>Application No: NK/2021/0957</p> <p><u>Speaker:</u></p> <p>Ian Watts attended the meeting and addressed the committee as a third party objector to the proposed development raising concerns regarding the overdevelopment of the application site and the detrimental impact of apparent proposals to close Hogs Lane. Concerns were also raised in relation to disabled access to the proposed development.</p> <p>Cllr Clark Mitchell attended the meeting and addressed the committee on behalf of Kettering Town Council stating that the proposed development was not the correct option for the site and that there were a number of concerns including overlooking, inadequate car parking and over development.</p> <p>K. Odunaiya attended the meeting and addressed the committee as the applicant for the proposed development stating that the application before committee was identical to the one that went to appeal and that the necessary work had been carried out for clarity. Mr Odunaiya also stated that the site followed the Kettering Town Centre Action plan and the need for sustainable transport including access to public transport and secure cycle storage, It was clarified to members that Hogs Lane would not be closed as part of the development.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for a five-storey mixed use development of 28 no. flats and ground floor commercial unit. It was noted that the application was consistent with the scheme submitted through reference KET/2020/0586 that was dismissed at appeal in August 2021.</p> <p>It was clarified to members that there was sufficient disabled access to all areas of the proposed development.</p> <p>Members initially raised concerns regarding the proposed development stating that it was overdevelopment. Concerns were also raised regarding insufficient car parking for the site.</p> <p>It was clarified to members that the application site fell within the Town Centre and so parking allocations are taken into consideration including links to local public transport.</p> <p>Following debate it was proposed by Councillor Prentice and seconded by Councillor Brown that the application be approved in line with the officer's recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> 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 listed below.
3. Prior to first occupation of the development a scheme for the provision of the surface and wastewater 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.
4. Construction works shall not take place on site 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.
5. Prior to the commencement of development an air quality assessment to assess the impact of local air quality on occupiers of the proposed development 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 exceedances of the air quality objectives in addition to any mitigation measures required to reduce exposure. Once approved the mitigation measures shall be implemented in full prior to the first occupation of the development and retained where appropriate at all times thereafter.
6. 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.
7. The commercial use (class E) of the ground floor unit shall not be open to the public before 08:00 hours or remain open after 22:00 hours on Mondays to Saturdays, nor before 10:00 hours or after 20:00 hours on Sundays or any recognised public holidays unless alternative hours are agreed in writing in advance by the Local Planning Authority.
8. The ground floor commercial unit hereby approved shall only be used for uses falling within Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any statutory instrument revoking and re-enacting that Order with or without modification.
9. Notwithstanding the provisions of Part 3 of Schedule 2 of the (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use permitted by Class MA shall take place on the application site.
10. No development above slab level shall take place until a plan prepared to a scale of not less than 1:500 showing details of intended final ground and finished floor levels has been submitted to and approved in writing by the



Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

11. 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.
12. No development above slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used (including 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.
13. No development above slab level shall take place on site until full architectural details of all windows, doors, timber finishes, verge detailing and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
14. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
15. No development above slab level shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.
16. No development above slab level shall take place until a scheme of hard (full details of materials) and soft landscaping works have been submitted to and approved by the Local Planning Authority. The scheme shall make provision for biodiversity enhancement through the use of bird boxes or bird nest bricks.
17. All residential units shall be constructed to achieve a maximum water use of no more than 110 Litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition).
18. No development above slab level shall take place until a scheme detailing the security measures/standards to be incorporated within the development, with reference to the 'Secured By Design' principles, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

19. All windows on the Horsemarket and Queen street elevations must open inwards away from the highway.
20. The two 2m x 2m lines of visibility splays denoted on drawing 19-084-04F shall be maintained in perpetuity and shall be kept free of all obstacles to visibility over 0.9m in height above carriageway level.
21. Alligator teeth enforces shall be installed within the surface level car park at the exit point of the development onto Queens Street.
22. 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, unless otherwise agreed in writing with the Local Planning Authority.
23. Prior to the commencement of the commercial use hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter..

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

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

*The application was therefore*

**APPROVED**

**94 Delegated Officers Report**

None

**95 Urgent items**

None

**96 Close of Meeting**

The meeting closed at 8.20 pm

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Chair

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Date



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**North Northamptonshire Area Planning Committee  
(Kettering)**

**Thursday, 31st March, 2022 at 7.00pm  
Council Chamber, Municipal Offices**

## **INDEX**

	<b>Application</b>	<b>Location</b>
4.1	NK/2021/0237	Buxton Drive (land off), Desborough
4.2	NK/2021/1002	31 The Grove, Kettering



## North Northamptonshire Area Planning (Kettering) Committee 31/03/2022

<b>Application Reference</b>	NK/2021/0237
<b>Case Officer</b>	Nicola Wheatcroft
<b>Location</b>	Buxton Drive (land off), Desborough
<b>Development</b>	Approval of Reserved Matters: Appearance, landscaping, layout and scale in respect of KET/2017/1019, development of up to 135 no. dwellings
<b>Applicant</b>	A Bamber & M Bates Central England Co-operative Ltd & HBH Developments Ltd
<b>Agent</b>	Carl Stott Nineteen47
<b>Ward</b>	Desborough Loatland
<b>Overall Expiry Date</b>	24/06/2021
<b>Agreed Extension of Time</b>	

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 there are unresolved, material objections to the proposal.

#### **1. Recommendation**

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- 1.1 That planning permission be GRANTED subject to conditions.

#### **2. The Proposal**

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- 2.1 The Approval of Reserved Matters is sought for the appearance, landscaping, layout and scale in respect of application KET/2017/1019 for the development of 135 no. dwellings. Outline permission was granted in January 2020 subject to 27 conditions. Condition 4 requires the development to be carried in accordance with a parameters plan.

- 2.2 The layout is based on the approved parameters plan with two road loops which link into the existing road network via Buxton Drive and Eyam Close. The internal road network leads onto smaller shared surfaces around the periphery of the site. The layout is based on perimeter blocks with dwellings facing the highways and public areas.
- 2.3 The central hedge running north to south forms an ecological area and informal area of open space with a pedestrian route running through it. Informal pedestrian routes are also proposed running along the southern boundary. A play area is proposed in the south eastern corner of the site adjacent to a small 'orchard' area. An area of open space is also proposed in the centre of the eastern parcel.
- 2.4 The proposed dwellings are predominantly two storey houses with a mix of detached, semi-detached, and terraced units. Along the western boundary near the existing dwellings are a row of bungalows. The dwellings are standard house types with pitched roofs, tiled roofs, and brick elevations.
- 2.5 The application has been revised following comments from the Highway Engineer, LLFA and Crime Prevention Design Officer. Any additional comments will be reported at the meeting.
- 2.6 The application also seeks the discharge of the following conditions in relation to outline permission KET/2017/1019:
- Condition 8- Newt licence
  - Condition 18- Biodiversity Survey and Report
  - Condition 24- Refuse and recycling storage and collection points
  - Condition 27- Compliance with Part M of the Building Regulations
- 2.7 Outline permission was granted for application KET/2017/1019 on the basis that a Sustainable Drainage System (SUDS) would be implemented to deal with the surface water drainage. Condition 9 requires the submission of a detailed surface water drainage scheme (and subsequent implementation) based the approved Flood Risk Assessment that accompanied the outline application. Condition 4 requires that the development is carried out in accordance with the parameter plan. The applicants now state that SUDS will not be possible on the site because of difficulties over access to public sewers. The scheme has subsequently been revised to provide a mechanical drainage system.
- 2.8 A separate S.73 planning application (ref: NK/2021/0230) has been submitted to vary conditions 4 and 9. A further change to the parameter plan is the removal of footpath link from Elton Close into the north of the eastern part of the site because of difficulties over land ownership.

### **3. Site Description**

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- 3.1 The application site is located to the west of Desborough and consists of two fields (measuring 4.96ha). The site is bordered on the north and east by existing residential development, to the north is housing off Buxton Drive, Ashbourne Drive and Matlock Way. To the east is housing accessed off Harrington Road. The southern boundary to the site is hedgerow and trees, after which is open



countryside. To the west the boundary is a hedgerow and trees beyond which is Green Lane and open countryside.

- 3.2 The two fields are separated by a hedge and mature trees which run broadly north to south. In the smaller western field is a pond which the application seeks to retain. This field is bordered by bungalows on Bleaklow Close, Buxton Drive, Grindleford Close and dwellings on Eyam Close.
- 3.3 The larger eastern field is roughly square shaped, with dwellings on Elton Close, Upper Dane, Green Crescent and Carriage Close to the northern and eastern edge of the application site.

#### **4. Relevant Planning History**

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- 4.1 KET/2017/1019 Outline application for Development of up to 135 no. dwellings with means of access considered, outline consent was granted in March 2019 subject to a total of 24 conditions.
- 4.2 NK/2021/0230 Variation of condition 4 in respect of approved Parameters Plan and condition 9 in respect of surface water drainage system of application KET/2017/1019, the application is still under consideration.

#### **5. Consultation Responses**

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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 comments received.

- 5.2 Neighbours / Responses to Publicity  
3 number of letters have been received. The issues raised are summarised below:
- Inadequate parking for the number of houses proposed
  - Buxton Drive and Eyam Close don't provide sufficient access points for the number of proposed properties. Elton Close needs to be used to spread traffic and get people to their properties more efficiently
  - Existing 'affordable' housing on the estate currently attracts frequent Police attention. Can you confirm the type of 'affordable' housing that you are proposing?
  - Desborough is not able to sustain its current population. Entertainment, amenities, work, and supplies are generally sourced outside of the immediate area. 135 extra homes could add 300 people and 200 cars to the town - will the infrastructure cope?
  - lack of accountability for the drainage and ecology of the area, my property floods at every significant rainfall. I believe that this will be made worse
  - I also feel that the ecological aspect has not been fully assessed
  - This development will effectively block all-natural light to my property for the bulk of the day

- 5.3 Local Highway Authority (LHA)  
Requested more information on vehicle racking, footway width and drainage, junction and access visibility, location of trees and dropped kerbs, surface water drainage, garage, and driveway sizes. This information has been provided and updated comments from the Highway Engineer are awaited.
- 5.4 Environmental Protection  
No comments to make.
- 5.5 Nature Space (Ecology)  
Comfortable that the Habitats Regulations are satisfied. Also satisfied that conditions 8 and 18 of outline permission KET/2017/1019 can be discharged.
- 5.5 Lead Local Flood Authority (LLFA)  
Confirmed that sufficient information available in the submitted surface water drainage information to address any concerns and no objection is raised.
- 5.6 Northamptonshire Police  
Made detailed comments about the layout and potential secure design issues. Revised plans have been submitted and Northants Police reconsulted and revised comments are awaited.
- 5.7 Sport England  
New housing will generate more demand for sport. New and/or improved sports facilities should be secured and delivered if existing facilities do not have the capacity to absorb the extra demand.

## **6. Relevant Planning Policies and Considerations**

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- 6.1 Statutory Duty  
Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 National Policy  
National Planning Policy Framework (NPPF) (2021)  
Policy 2 – Achieving Sustainable Development  
Policy 5 – Delivering a Sufficient Supply of Homes  
Policy 8 – Promoting Healthy and Safe Communities  
Policy 9 – Promoting Sustainable Transport  
Policy 12 – Achieving well-designed Places  
Policy 15 – Conserving and Enhancing the Natural Environment  
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 3 – Landscape Character  
Policy 4 – Biodiversity and Geodiversity  
Policy 5 – Water Resources, Environment and Flood Risk Management

- Policy 7 – Community Services and Facilities
- Policy 8 – North Northamptonshire Place Shaping Principles
- Policy 9 – Sustainable Buildings and Allowable Solutions
- Policy 10 – Provision of Infrastructure
- Policy 11 – Network of Urban and Rural Areas
- Policy 15 – Well connected Towns, Villages and Neighbourhoods
- Policy 19 – Green Infrastructure
- Policy 28 – Housing Requirements
- Policy 29 – Distribution of New Homes
- Policy 30 – Housing Mix and Tenure

- 6.4 Site Specific Part 2 Local Plan  
 LOC1 Settlement Boundaries  
 DES4 Land off Buxton Drive and Eyam Close

## 7. Evaluation

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The key issues for consideration are:

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

### 7.1 Principle of Development

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the North Northamptonshire Joint Core Strategy (JCS) and the Site-Specific Part 2 Local Plan (SSP2).
- 7.1.2 The principle of residential development has been established through the approval of the outline application in 2019.
- 7.1.3 Policy DES4 of the SSP2 identifies the whole site as a housing site for 135 dwellings as a logical extension of the built form of the west of Desborough and will help to deliver housing growth for Desborough. Outline permission was granted in 2019 under application KET/2017/1019 and the current proposal is submitted pursuant to the grant of outline permission. As such the principle of residential development on the site has been established, subject to the resolution of detailed matters.

### 7.2 Visual Impact

- 7.2.1 Section 12 of the NPPF requires development to be of a good design, which adds to the overall quality of an area over the lifetime of the development. Development should be visually attractive and sympathetic to local character and history, establishing or maintaining a strong sense of place, whilst optimising the potential

of the site to accommodate and sustain an appropriate amount and mix of development.

- 7.2.2 Policy 8 of the JCS states that new development should be of a high quality of design which responds to the sites immediate and wider context; responds to the environmental character of the area; designs out crime and reduces the fear of crime. Policy 3 of the JCS states that new development should conserve and where possible enhance local landscape character and qualities; make provision for the retention and where possible enhancement of features of landscape importance; protect the landscape setting and contribute to maintaining individual and distinct character and separate identities of settlements by preventing coalescence. Policy DES4 of the SSLP requires that development proposals should demonstrate that the design and character reflect that of the surrounding area whilst providing no harm to the local vernacular
- 7.2.3 The proposed layout reflects the illustrative layout and parameter plan which supported the outline application. There are some differences namely alterations to the drainage by the removal of the sustainable drainage system (SUDS) and introduction of mechanical drainage system, and the relocation of the play area as a result. The drainage provision for the site is discussed in more detail later in the report. Aside from those changes, the layout is broadly in line with parameter plan in terms of the road layout and location of housing. Concern was initially raised about the formality of the layout particularly with regard to the use of straight linear roads which failed to reflect the sites' semi-rural location. The revised scheme has introduced a few 'curves' to the road layout thereby softening the layout of the eastern part of the site which now appears less rigid and more appropriate for its location. The proposed layout is not dissimilar from the adjacent housing to the east of the site.
- 7.2.5 The play area was originally located within the north eastern part of the site; at reserved matters stage it has relocated on the south eastern corner of the site. The more northerly location is generally considered to be a preferable location because it is more central and would allow more children to access the facilities. However, this area would remain an area of open space with no built development on it available for informal recreation. Full details of the play equipment are the subject of a condition attached to the outline consent and will be supplied in due course. A pedestrian route is proposed along the southern boundary which will provide a link to the play area from the west of the site. No details have been supplied on the width and surfacing of the path and a condition is proposed requiring the submission of details at a later stage.
- 7.2.6 The proposed houses mostly front the highway, plots 112-115 which have been re-orientated through revised plans to address the landscaped boundary along the western boundary of the site. The housing has also been arranged to overlook the ecological area within the centre of the site which ensures surveillance for the users of the footpath and surrounding area. The open outlook will also be of benefit to the residents of the nearby houses. The scheme will consequently have a robust layout which respects development plan policy and the guidance in the National Design Guide.

- 7.2.7 The proposed housing provides a mix of dwelling types from 1 and 2 bedroom houses through to 4 bedroom detached houses and bungalows. This should help to provide a balanced community which links in with the neighbouring residential development and the character of Desborough overall. The outline permission was subject to a Section 106 legal agreement which will ensure the provision of 30% affordable housing throughout the site.
- 7.2.8 The proposed dwellings are generally two storey houses with some bungalows located along the north western boundary, with no two and a half and three storey houses. This ensures that the overall height of the development is kept as low as possible and is not unduly intrusive adjacent to the open countryside. The form and design of the proposed dwellings reflects the adjacent built development with a traditional style of housing with pitched roofs, brick and render elevations. There is also an opportunity to link the proposed dwellings.
- 7.2.9 The views of Northants Police (Secured by Design Advisor) have also been taken into account through the amendments that have been made to the plans. These have constituted relatively minor changes in the interests of promoting a high-quality secure development upon the site including the introduction of railings to the plots facing the western boundary and the addition of window and railings to plot 120. Final comments from on Secured by Design Officer are awaited.
- 7.2.10 The proposal will respect the visual amenity and character of the surrounding residential and rural areas. As such the proposal accords with Section 12 of the NPPF, policies 3 and 8 of the JCS and Policy DES4 of the SSLP.

### **7.3 Impact on Neighbouring Amenity**

- 7.3.1 Policy 8 of the JCS requires that development does not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by reason of noise, vibration, pollution, loss of light or overlooking. Policy DES4 of the SSP2LP states that there should not be a loss of amenity of neighbouring properties on Buxton Drive, Grindleford Close, Elton Close, Upper Dane and Green Crescent. Section 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.
- 7.3.2 The proposed development abuts existing properties along the north and east boundaries of the site. There will be separation distances of at least 22m between the rear elevations of the proposed and existing houses, also a distance of at least 14m from rear to flank elevations. This will ensure that there is no loss of privacy to the neighbouring houses from overlooking or an overbearing impact. Thereby meeting the requirements of Policy DES4 of the SSP2LP.
- 7.3.3 In the north west corner of the site, the adjacent properties in Bleaklow and Grindleford Closes are bungalows. To protect the amenity of the residents a condition (no.17) was attached to the outline permission to ensure that all neighbouring properties were bungalows. The proposal is in line with condition 17 plots 120-135 along the northern boundary of the site will be bungalows. As a result, it is considered that the amenity of the nearby properties will be protected from any loss of privacy or overbearing effect.

- 7.3.4 Boundary treatment that is properly designed and located can help to protect residential amenity in new and existing residential developments. The broad location of the boundaries is considered acceptable, however condition 22 of the outline permission requires the submission of details prior to any development above slab level. So, the details of the boundary treatment will be fully considered at a later stage.
- 7.3.4 Within the development, the layout meets the minimum separation distances referred to above. This ensures that there will be no loss of privacy from window to window overlooking or overbearing impact. As a consequence, it is considered that the proposed development would not have an adverse impact on the residential amenity of nearby existing residents, or future residents of the site. As a result, the application is considered to be in accordance with the NPPF, Policy DES4 of the SSP2LP and Policy 8 of the JCS.

## 7.4 Highways

- 7.4.1 Policy 8 of the JCS requires development to make safe and pleasant streets by integrating into the wider settlement and existing movement networks, prioritising the needs of pedestrians, cyclists, and public transport users, ensuring a satisfactory means of access and provision for parking, serving, and manoeuvring in accordance with adopted standards. Policy DES4 requires any development to create a strong incident-robust highway network by creating a loop for vehicular traffic through access points off Buxton Drive and Eyam Close. The National Design Guide states that well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene
- 7.4.2 The outline permission (KET/2017/1019) established that the impact on the local and wider road network of an additional 135 dwellings in highway terms was acceptable. An increase traffic using some of the local roads was considered by the Local Highways Authority (LHA) to be within acceptable levels. The LHA assessed the scheme and raised a number of concerns, the scheme has subsequently been amended on a number of occasions. The current proposal provides details of the proposed road and footpath layout, visibility splays and parking provision. On plot parking is provided together with on street visitor parking, these appear to accord with LHAs parking standards. However, final comments on the acceptability of the highway's information is awaited and any update will be reported at the Committee meeting.

## 7.5. Flood Risk and Drainage

- 7.5.1 Policy 5 of the JCS seeks development to reduce flood risk; and contribute toward flood risk management and be designed to incorporate Sustainable Drainage Systems (SDS) from the start of the development. Policy DES4 requires proposals to include a Surface Water Drainage Assessment to demonstrate that SDS are being used to ensure that the development is safe and does not increase flood risk to any adjacent land. This approach is consistent with Section 14 of the NPPF, which says that proposals should not result in an increased chance of flooding on site or elsewhere.

- 7.5.2 The site is located entirely within Flood Zone 1, the lowest area of flood risk. Due to its size (4.96 hectares) a Strategic Flood Risk Assessment was required at outline stage and a Sustainable Drainage Statement was also submitted with the application. The Lead Local Flood Authority (LLFA) had no objection subject to the inclusion of planning conditions requiring i) the submission of a Surface Water Drainage Scheme for the site ii) scheme for the maintenance and upkeep of the Surface Water Drainage system for the site; and iii) the submission of a Verification Report for the installed Surface Water Drainage. Anglian Water confirmed that there was capacity for both wastewater and sewerage from this development.
- 7.5.3 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This is echoed in Policies DES4 of the SSP2LP and 5 of the JCS. Sustainable drainage systems (SDS) are designed to manage stormwater locally, to mimic natural drainage and encourage its infiltration and attenuation. This results in an effective and natural drainage system within open and often attractive landscaped areas which have benefits to the local environment and community.
- 7.5.4 The applicants have amended the proposed drainage system as it is now not possible to discharge surface water by infiltration. There are also problems with discharging surface water into the watercourse due to ownership issues. As a result, SDS is not possible on this site. An alternative drainage system based mechanical drainage using a pump-based system is now proposed. Elements of SDS will be incorporated where possible including the use permeable paving and swales. This will deal adequately with the surface water drainage helping to reduce the possibility of flooding. There have been discussions between the applicants and the LLFA and following the submission of additional information and clarification the LLFA have confirmed that there is no objection to the scheme. As a result, whilst the preference would have been for a SDS, the proposed drainage scheme is considered acceptable and will help to mitigate flood risk.

## **7.6 Ecology**

- 7.6.1 The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2010, the EU Habitats Directive and the Natural Environment and Rural Communities Act 2006 to take into account protected species when determining planning applications. Section 15 of the NPPF requires decisions to protect sites of biodiversity value and minimise impacts on and provide net gains for biodiversity. Policy 4 of the JCS states that a net gain in biodiversity will be sought when considering planning applications. Policy DES4 seeks the provision of an area of Local Green Space through the centre of the site for mitigation purposes which may enhance biodiversity
- 7.6.2 The application site located on the outskirts of Desborough partially within the open countryside has the potential of a number of protected species and habitats of ecological value. Outline planning permission was granted subject to a condition requiring the submission of an Amphibian and Reptile Mitigation Strategy to accompany any reserved matters application. A scheme of exclusion fencing, trapping and translocation, habitat clearance then new habitat creation and

enhancement is proposed. These details are considered acceptable by the Councils Ecological Officer and as such condition 18 of outline application KET/2017/1019 can be considered as having been approved and discharged subject to the development being carried out in accordance with these details.

- 7.6.3 Condition 8 of the outline permission requires the submission of details to demonstrate that Great Crested Newts will be protected during construction of residential development. Details of the Newt Licence issued by Natural England have been submitted and it is considered that this satisfies the requirements of Condition 8 of application KET/2019/1019. And Great Crested Newts will be fully protected during construction and any alterations to their habitat through the licence process.
- 7.6.4 An area of informal open space is located within the centre; this will provide an area for walks and recreation as well as opportunities for ecological enhancement. A Landscape and Ecological Management plan will need to be submitted prior to the commencement of any development under Condition 19 of the outline permission to give the details in relation to this matter.
- 7.6.5 The proposed scheme provides areas for habitat creation and biodiversity enhancement which is in line with Policy DES4 of the SSP2LP, Policy 4 of the JCS and Section 15 of the NPPF.

## **7.7 Landscaping**

- 7.7.1 Policy 3 of the JCS states that development should be located and designed in a way that is sensitive to its landscape setting, providing landscaping mitigation and enhancing the character and quality.
- 7.7.2 The use of good quality landscaping and planting will help to reflect the rural character of the area. There are a number of different open spaces across the site each fulfilling a slightly different function. An ecological area is located through the centre of the site following the existing hedge line. This area will have significant value for the residents as discussed above as well as enhancing biodiversity in the area. A play area will be located in the south eastern corner of the site to provide play facilities for residents as well as open space in an area identified as the Orchard. Underneath the play area will be located the storage tank as part of the surface water drainage system. To the north is an area called the Green which provides informal open space for recreation, dog walking etc. The western boundary has trees with informal landscaping and a pedestrian route to link with Green Lane. This is an informal area of open space for walking and exercising that will link to the existing bridleway along Green Lane. Finally, a route is proposed along the southern boundary adjacent to the boundary hedge. This will be an informal direct footpath linking the east and west of the site. It is a surveilled path from the adjacent houses, but further information is required on the exact route, the width and surfacing which can be controlled through a condition. The proposed layout therefore provides a range of different open space areas for the new (and existing) residents to utilise which relates to the rural location and landscape setting of the site in line with Policy 3 of the JCS.



7.7.3 The details of the landscaping scheme are the subject of condition 20 of the outline permission which requires the submission of hard and soft landscaping scheme prior to first occupation of the housing. The current submission shows the quantum and location of the main areas of open space which is considered acceptable in principle in line with Policy 3 of the JCS.

## **8. Other Matters**

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8.1 The principle of residential development on the site was established through the grant of outline planning permission. A number of matters such as archaeology, contamination and landscaping are the subject of conditions attached to the outline consent. These conditions will need the submission of further information and to be discharged prior to work commencing (or the appropriate trigger).

8.2 The application also relates to the discharge of conditions 8, 18, 24 and 27 of outline planning permission.

- Condition 8 - Newt licence, details of the newt licence submitted to Natural England have been provided and this condition can be treated as having been complied with.
- Condition 18 - Biodiversity Survey and Report; the details submitted are acceptable and this condition can be treated as having been complied with.
- Condition 24 - Refuse and recycling storage and collection points, the details appear acceptable however comments from Environmental Care are awaited and an update provided at the Committee meeting.
- Condition 27- Compliance with Part M of the Building Regulations, details have been supplied and are acceptable and this condition can be treated as having been complied with.

8.3 Sport England have requested a new and/or improved sports facilities should be secured and delivered if existing facilities do not have the capacity to absorb the extra demand. This issue was fully considered as part of the outline application and is not a matter at Reserved Matters stage.

## **9. Conclusion / Planning Balance**

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9.1 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. The proposal does not include a sustainable drainage system which is always the preferred method of dealing with surface water drainage. However, a mechanical drainage system is considered acceptable by the LLFA and as the scheme is acceptable in all other aspects and meets the principal requirements of Policy DES4 of the SSP2LP and Policies 3, 5 and 8 of the JCS then no objection is raised on this matter.

## **10. Recommendation**

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10.1 That reserved matters consent is granted.

## 11. Conditions

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1. No development above slab level shall commence until details of the footpath along the southern boundary of the site has been submitted to and approved by the Local Planning Authority, the details shall include the exact route in relation to the adjacent houses, the width and surfacing of the path. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in line with Policy 8 of the Joint Core Strategy.

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

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

3. No development shall commence above slab level until a lighting scheme has been submitted to and approved by the Local Planning Authority. The lighting scheme shall include both adopted and unadopted areas (private drives) and shall include the details of the lights with a lux plan to show any lighting spillage. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the amenity of the area and to protect local wildlife in line with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

4. The dwellings hereby permitted shall not be occupied until details of the appearance and internal arrangement of the garden sheds has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area and to assess the cycle storage facilities, in line with Policy 8 of the North Northamptonshire Joint Core Strategy.

## 12. Informatives

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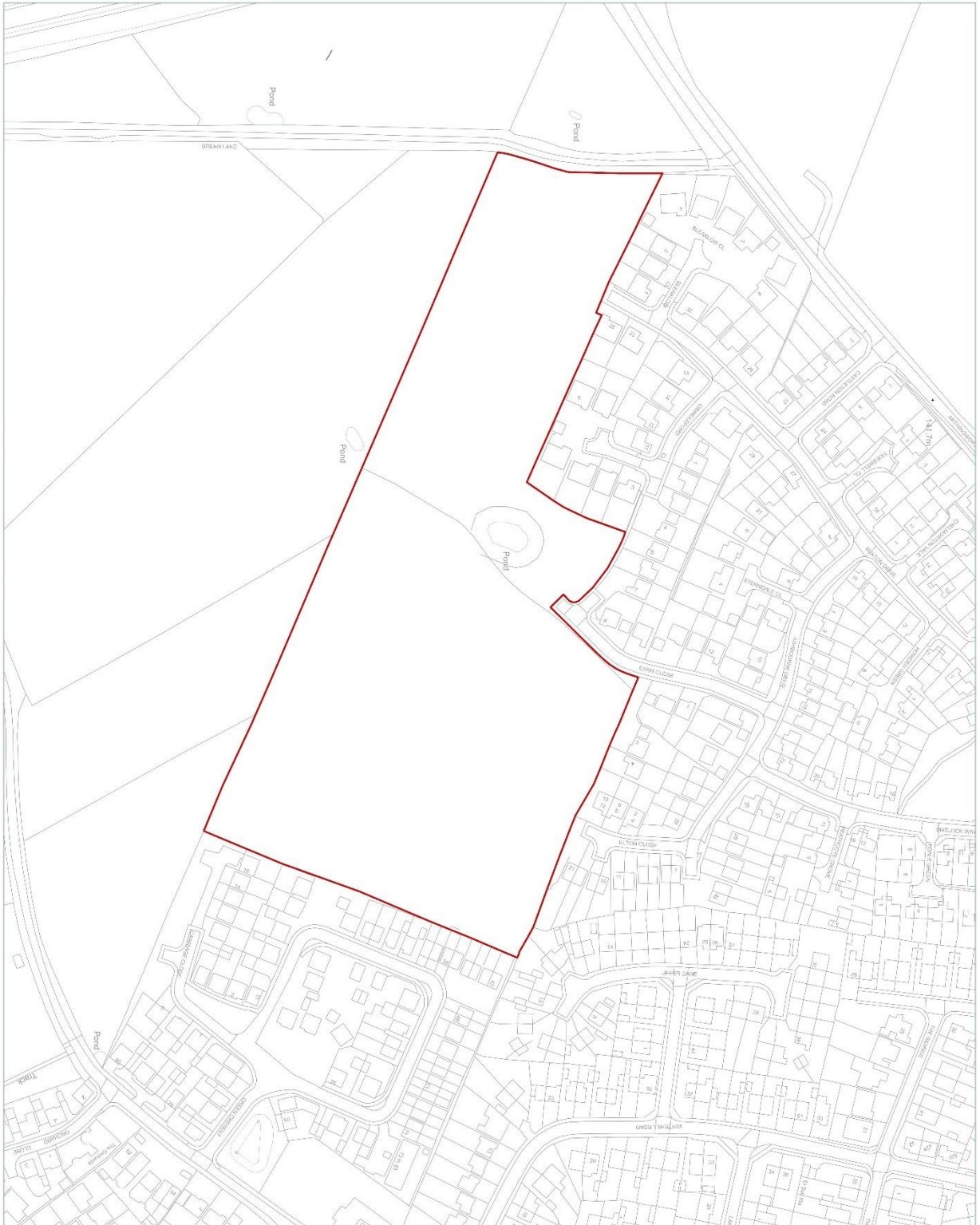
Positive/Proactive - amendments

List of plans

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

Title	NK Ref.	Agent's Ref	Received Date
Location plan		n1397_001A	16/03/21
Large 4-axle refuse vehicle (11.3m long) entering/exiting site		AHDESBOROUGH. 1_TK01A	16/03/21
Medium wheelbase fire tender entering/exiting site		AHDESBOROUGH. 1_TK02A	16/03/21
(Tarmac construction) private drive		G-SD-521-B	16/03/21
(Tarmac construction) shard drive		G-SD-523-A	16/03/21

(Tarmac construction) shared parking and access		G-SD-525	16/03/21
Tree constraints plan		10749.TCP.01 East	16/03/21
Tree constraints plan		10749.TCP.01 West	16/03/21
Design & Access Statement	NK/2021/0237/1		25/03/21
Cover letter		DESB_3_Planning_L003	16/03/21
Drainage statement	NK/2021/0237/2		16/03/21
Energy statement		007979	16/03/21
Landscape strategy		9810-L-01A	16/03/21
Licence - mitigation		2020-48870-EPS-MIT	16/03/21
Mitigation strategy – great crested newt and Reptiles		5937.MS.vf.RL_CL	16/03/21
'Secure by design' statement.	NK/2021/0237/3		16/03/21
Technical briefing note		1005937.TN01.IER.dv2	16/03/21
Tree schedule		10749.TS.01	16/03/21
House type Brochure	NK/2021/0237/4		25/03/21
Indicative Play Layout		9810-L-02	24/05/21
Refuse & Recycling Plan		N1397-104	24/05/21
Planning Statement	NK/2021/0237/5		24/05/21
Drainage Statement		Drainage Statement – Travis Baker	28/09/21
Drainage Hierarchy Statement		Drainage Hierarchy Statement – Travis Baker	28/09/21
Drainage Statement Appendices			09/02/22
Drainage and Levels Appraisal Sheet 1 of 2		20060 005 D	09/02/22
Drainage and Levels Appraisal Sheet 2 of 2		20060 006 D	09/02/22
House Type Brochure		5 <sup>th</sup> issue	14/03/22
Planning layout		1397 008P	14/03/22
Email from Carl Stott dated 11.03.22			14/03/22



Key  
 Application site boundary



**AVANT**  
 homes  
 nineteen47  
 CHARTERS TOWN PLANNERS  
 PROJECT: EGLAM CLOSE, DARBOROUGH

Project File:  
 Site Location Plan

REGISTRATION:	WORKS:	ISSUE:
n1397	001	A
DATE:	DATE:	DATE:
12.12.2020	11.25.20	A2

## North Northamptonshire Area Planning (Kettering) Committee 31/03/2022

<b>Application Reference</b>	NK/2021/1002
<b>Case Officer</b>	Louisa Johnson
<b>Location</b>	31 The Grove, Kettering
<b>Development</b>	Full Planning Permission: Change of use from C4 6 no. bed HMO to sui generis 7 no. bed HMO
<b>Applicant</b>	Mr P Ambler Auxilium Homes
<b>Agent</b>	Mr A Jones ADJ Architectural Services LTD
<b>Ward</b>	St. Michaels and Wicksteed
<b>Overall Expiry Date</b>	01/03/2022
<b>Agreed Extension of Time</b>	

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 there are unresolved, material objections to the proposal and an objection from Kettering Town Council.

#### **1. Recommendation**

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- 1.1 That planning permission be GRANTED subject to conditions.

#### **2. The Proposal**

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- 2.1 Full Planning Permission: Change of use from C4 6 no. bed HMO to sui generis 7 no. bed HMO

### **3. Site Description**

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- 3.1 The site is a three-storey terraced property in use as a 6 bed HMO on The Grove, Kettering. The site falls within the Kettering town centre conservation area.

### **4. Relevant Planning History**

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- 4.1 List all previous planning applications as follows:

None

### **5. Consultation Responses**

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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

Objection – this development represents further over development in an already crowded street and policy 8 of the JCS (quality of life) should be applied to the consideration of this application. If the planning authority is minded to approve the application, it should seek to secure much better sound proofing and insulation standards than appear to be proposed

5.2 Neighbours / Responses to Publicity

Four letters have been received. The issues raised are summarised below:

This small street has many HMOs which contribute excessive rubbish and parking difficulties considering all residents require parking permits.

We have experienced excessive noise and antisocial behaviour. These houses are badly insulated, lack sound proofing and all noise is amplified through the chimneys due to the quirk of the flying freehold. Again, from experience of the HMO next door - as often fleeting through, tenants lack this consideration or respect for neighbours and create excessive noise.

The property 31, already has bins overloaded and general litter scattered around the front garden and street. Another resident would only add to this.

Residents in The Grove have residents only parking permits, we are assuming the new /extra residents will have cars and require a parking permit. This will make The Grove even more congested with parked cars and as usual they will use Bowling Green Avenue as an overflow car park., making it difficult for residents in Bowling Green Ave to park.

The drains of this house cannot cope with seven adults.

There are already approx. five houses in this small street that are multiple occupancy this is too many.

5.3 Local Highway Authority (LHA)

The LHA have no objections to the proposals.

The proposals increase the number of bedrooms of the existing HMO from 6 to 7. As a result, the revised HMO requires 7 car parking spaces and 7 secure, covered cycle parking spaces as per Northamptonshire Parking Standards 2016. Plan details a cycle store to the rear to accommodate 7 spaces.

All car parking is noted to currently be on street. As the proposal is for 1 further bedroom and therefore 1 further car parking space the proposals are deemed reasonable, and a parking beat survey is not thought to be required in this instance.

5.4 Environmental Health

No comment

5.5 Private Sector Housing

The property has sufficient space and amenities for 7 occupants and is well managed and compliant with HMO regulations. The applicant currently holds a licence for 6 occupants which can be varied if planning permission is granted for 7 occupants.

**6. Relevant Planning Policies and Considerations**

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6.1 Statutory Duty

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

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)  
Policy 2. Achieving sustainable development  
Policy 5: Delivering a sufficient supply of homes  
Policy 12. Achieving well-designed places  
Policy 16. Conserving and enhancing the historic environment

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

1. Presumption in favour of sustainable development  
2. Historic environment  
8. Place shaping  
11. The Network of Urban and Rural Areas  
29. Distribution of New Homes  
30. Housing Mix and Tenure

6.4 Site Specific Part 2 Local Plan

LOC1 – Settlement Boundaries

6.5 Other Relevant Documents

Amenities and Spaces Standards for Houses in Multiple Occupation – A  
Landlord's Guide

## **7. Evaluation**

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The key issues for consideration are:

- Principle of Development
- Visual Impact and Character of the area
- Impact on Neighbouring Amenity
- Amenity of future occupiers
- Highway Matters
- Refuse collection and storage

### **7.1 Principle of Development**

7.1.1 The application seeks a change of use from C4 6 no. bed HMO to sui generis 7 no. bed HMO. It is noted that the C4 6 no. bed HMO did not require planning permission as it fell under permitted development for a change of use under Class L, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

### **7.2 Visual Impact and Character of the area**

7.2.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

7.2.2 There are no external changes proposed to the building as the proposal would involve internal changes to create a seventh bedroom on the second floor by splitting the large bedroom on that floor into two. The site has an existing bin store area in the rear garden which is adequate to store bins for seven bedrooms. The proposal would provide a new cycle stores at the rear of the property, to accommodate seven cycles, subject to a condition securing details of the cycle storey it is considered that this would not unduly impact on the appearance of the building. As such it is considered that the proposal would not have a detrimental impact on the appearance of the host building and the surrounding area.

7.2.3 The scheme is considered to be close to an overdevelopment of the site, however as discussed in more detail below the proposal complies with the required standards and no objection has been raised by consultees to warrant a reason for refusal.

7.2.4 An objection has been received on the grounds that there are already approximately five houses in this small street that are multiple occupancy this is too many. Private Sector Housing have confirmed that there are two licenced HMO's and one unlicenced HMO in the street including the site.

7.2.5 Accordingly, the proposal is considered to be acceptable and accords with the relevant parts of Policy 12 (NPPF) and Policy 8 (NNJCS).



### **7.3 Impact on Neighbouring Amenity**

- 7.3.1 The existing C4 HMO has six bedrooms and could accommodate up to six people. The application is for a seven-bedroom HMO, all of which could accommodate one person.
- 7.3.2 As such, it falls to consider the impact of the additional number of people, over and above the minimum that the C4 HMO could accommodate, on the amenities of surrounding properties and occupiers.
- 7.3.3 An objection has been received on the grounds of noise from the HMO disturbing adjoining residents.
- 7.3.4 It is considered that one additional people would not result in noise and disturbance over and above that which could be expected from a six person HMO or a large family home – which could exceed more than six people – both of which do not need to apply for planning permission.
- 7.3.5 As discussed above the proposal does include any changes to the external elevations of the property. Therefore, the impact on neighbours would not change in this respect.
- 7.3.6 As such, it is considered the proposal would not lead to an adverse impact on the amenities of neighbouring residents in accordance with Policies 8 and 30 of the North Northamptonshire Joint Core Strategy.

### **7.4 Amenity of future occupiers**

- 7.4.1 The proposal is for a House in Multiple Occupation for the occupation of up to 7 no. persons across 7no. en-suite bedrooms. None of the bedrooms have cooking facilities.
- 7.4.2 The Council's Private Sector Housing guidance 'Amenities and Spaces Standards for Houses in Multiple Occupation – A Landlord's Guide' requires 7sqm of kitchen space for 1-5 occupiers and 3sqm per each additional occupant; it also requires 2sqm of dining space per occupant where the rooms fall below the required size to provide in-room dining space, which applies to one bedroom. This would require a kitchen / dining space of a minimum of 15sqm to serve seven people, the space is 17sqm and so is adequate. Therefore, the HMO would not be able to accommodate more than 7 people and a suitably worded condition to limit occupancy is recommended to ensure compliance.
- 7.4.3 Therefore the proposed accommodation complies with the minimum requirements as set out by the Council's Private Sector Housing guidance on Houses in Multiple Occupation; and is considered to be acceptable in terms of the amenity of future occupiers in accordance with policy 8 of the NNJCS.

### **7.5 Highway Matters**

- 7.5.1 The Local Highways Authority have no objection and state that the revised HMO requires 7 car parking spaces and 7 secure, covered cycle parking spaces as per

Northamptonshire Parking Standards 2016. They state that all car parking is noted to currently be on street. As the proposal is for 1 further bedroom and therefore 1 further car parking space the proposals are deemed reasonable, and a parking beat survey is not thought to be required in this instance. Plan details a cycle store to the rear to accommodate 7 spaces.

- 7.5.2 An objection has been received on the grounds that the proposal would worsen parking pressure in the street and on Bowling Green Avenue.
- 7.5.3 The application site is on The Grove and has no on-site car parking. The site is within walking distance of the town centre and the train station and is close to a main bus route with a number of bus stops within a short distance of the site.
- 7.5.4 The proposed cycle parking to the rear of the property is considered to be adequate subject to a condition securing details.
- 7.5.5 It is considered that the site's location in the town centre, close to shops, bus stops and the train station means that the site is in a highly sustainable location. As such it is considered that while parking is limited, this is mitigated by the location of the site. Given this it is considered that the site is in a sustainable location and the lack on-site parking can be justified in this case.
- 7.5.6 Therefore it is considered that subject to a condition regarding cycle storage the proposal is acceptable in terms of cycle storage, parking, and highway safety in accordance with policy 8 of the NNJCS.

## 7.6 Refuse collection and storage

- 7.6.1 With respect to the refuse storage facilities at the site, the bin store has been shown in the rear garden with space for an adequate number of bins so the bins will be stored out of the public realm. It is considered that a planning condition requiring details of refuse storage area on site should be attached.

## 8. Other Matters

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- 8.1 None

## 9. Conclusion / Planning Balance

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

## 10. Recommendation

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- 10.1 That planning permission be GRANTED subject to conditions.

## 11. Conditions

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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. Prior to the occupation of the development hereby permitted details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided before the occupation of HMO and retained as approved thereafter.  
REASON: Refuse details are necessary prior to the commencement of development in the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
4. No more than seven residents 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

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Positive/Proactive - pre-application advice  
Building Regulations required

List of plans

Title	NK Ref.	Agent's Ref	Received Date
Location plan, existing block plan, ground, first and second floor plans		416-2021-100A	04/01/2022
Location plan, proposed block plan, ground, first and second floor plans		416-2021-101A	04/01/2022
Planning Statement	NK/2021/1002/1		16/12/2021
DAS	NK/2021/1002/2		04/01/2022



Title: NK/2021/1002 - 31 The Grove, Kettering

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