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Meeting: Area Planning Committee (Kettering)
Date: Thursday 3rd March, 2022
Time: 7.00 pm
Venue: Council Chamber, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

To members of the Area Planning Committee Kettering

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

Substitute Members : Councillors Henson, Tebbutt, Hakewill and Tubbs

Agenda			
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04	Applications for planning permission, listed building consent and appeal information* I) NK/2021/0306: Full Planning Permission: Redevelop eastern half of business park to provide new employment units (Class E -formerly B1) II) NK/2021/0842: s.73A Retrospective Application: Single storey side extension III) NK/2021/0872: Full Planning Permission: Change of use of outbuilding to salon	Planning Officer Planning Officer Planning Officer	15 - 40 41 – 46 47 – 60

	IV) NK/2021/0957: Full Planning Permission: Mixed use development consisting of 28 no. flats and ground floor commercial unit	Planning Officer	61 - 82
Items to note			
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Exempt Items			
06	None Notified		
07	Close of Meeting		
	Adele Wylie, Monitoring Officer North Northamptonshire Council  Proper Officer 23rd February 2022		

*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.

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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 2 nd 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 2 nd March 2022

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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.

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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 27th January, 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 Paul Marks

Councillor Cedwien Brown
Councillor Elliot Keith Prentice
Councillor Joseph John Smyth
Councillor Kevin Thurland

Officers

Louise Holland
Richard Marlow
Natalie Westgate
Louisa Johnson
Nigel Bell
Callum Galluzzo

Development Services
Development Services
Development Services
Development Services
Legal Representative
Democratic Services

75 Apologies for non-attendance

None

76 Members' Declarations of Interests

Councillors Kevin Thurland and Dez Dell declared an interest in item 4.1 due to personal knowledge of a registered speaker for the item

77 Minutes of the meeting held on 13th December 2021

RESOLVED

that the minutes of the meetings of the Area Planning Committee held on 13th December 2021 be approved as a correct record

78 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. Six 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: Erection of 8 no. dwellings at 12 Beatrice Road, Kettering for Mr Miller, David Miller Homes Ltd</p> <p>Application No: NK/2021/0460</p> <p><u>Speaker:</u></p> <p>Richard Bennell attended the meeting and addressed the committee as a third-party supporter of the proposed development. Mr Bennell stated that having previously suffered from the previous use of the site as a warehouse development the proposed scheme was satisfactory and fitting with the local area.</p> <p>James Towns attended the meeting and addressed the committee as a third party objector to the proposed development stating that the planning process had not consulted with them and raised concerns regarding loss of privacy, loss of light and security issues.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the erection of 8 no. dwellings following the demolition of the existing industrial/storage unit.</p> <p>The planning officer addressed the committee and provided an update which stated that the warehouse had been demolished (under application ref: NK/2021/0362) since the report was prepared. A Preliminary Roost Assessment was submitted to support the demolition application and found no internal or external evidence of roosting bats.</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 Thurland and seconded by Councillor Jelley 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. 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.
5. No earthworks or groundworks shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
6. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.
7. 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.
8. 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.
9. Notwithstanding the submitted plans, the gradient of the accesses shall not exceed 1 in 15 for the first 5 metres.

(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: Detached single garage and car port to front of property at 1 Orthingbury Road, Pytchley for Mr G Moffatt</p> <p>Application No: NK/2021/0831</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which retrospective planning permission was being sought for a detached single garage and car port to front of property.</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 Jelley that the application be approved in line with the officer's recommendation.</p> <p>It was agreed that the application be APPROVED</p>

(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: 2 no. dwellings at 37 Hall Close (land adj), Kettering for Mr C Jablonski</p> <p>Application No: NK/2021/0924</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the erection of 2 no. dwellings.</p> <p>Members raised concerns regarding the insufficient road condition for construction vehicles and also raised concerns regarding the close proximity of neighbouring dwellings.</p> <p>Concerns were also raised by members in relation to the adverse effect n character and appearance of area the proposed development would have.</p> <p>Following debate it was proposed by Councillor Jelley and seconded by Councillor Thurland that the application be refused contrary to the officers recommendation due to the overdevelopment of the proposed site and the overbearing nature of the development.</p> <p>It was agreed that the application be REFUSED for the following reasons:</p>

1. By reason of its design and layout the proposed development would result in overdevelopment in this location harmful to the character and appearance of the streetscape and the surrounding built environment. The application therefore is contrary to 8 (d) of the North Northamptonshire Joint Core Strategy 2011-2031 and inconsistent with paragraph 130 and chapter 12 of the NPPF.
NK/2021/0924 Page 2 of 4
2. By reason of the position, proximity and relationship of the proposed dwellings to each other and surrounding properties, notably no.37 Hall Close, the proposal would result in detrimental harm to the residential amenity of adjoining properties contrary to Policy 8 (e)i) of the North Northamptonshire Joint Core Strategy and inconsistent with paragraph 130 of the NPPF.

(Members voted on the motion to refuse the application)

(Voting: For 7, Against 1)

The application was therefore
REFUSED

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.4 Full Planning Permission: Change of use of amenity land to property curtilage at Queens Head Inn, Main Street, Sutton Bassett for Mr M Grimes, Exodus Financial Services Limited</p> <p>Application No: NK/2021/0930</p> <p><u>Speaker:</u></p> <p>Michael Sandell attended the meeting and addressed the committee as a third party objector stating that there had been a lack of communication with regards to the proposed development and that the application site was a valuable parking area for a mixture of uses.</p> <p>Peter Tasker attended the meeting and addressed the committee on behalf of Sutton Bassett Parish Meeting. Mr Tasker stated that there had been several resident objections to the proposed development and that the current application was inappropriate in its current form.</p> <p>Martyn Jones attended the meeting and addressed the committee as the agent on behalf of the applicant and stated that the site had no formal planning permission for parking use and that the proposal had no adverse impact on character or on the local highways network.</p>	<p>Members received a report about a proposal for which planning permission was being sought for the change of use of grassed amenity land to property curtilage.</p> <p>Members sought clarification regarding communication with Anglian Water and access to the local pumping station. 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 Prentice 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.

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

(Voting: Unanimous)
The application was therefore
APPROVED

83 Delegated Officers Report

None

85 Close of Meeting

The meeting closed at 8.15 pm

Chair

Date

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North Northamptonshire Area Planning Committee (Kettering)

**Thursday, 3 March, 2022 at 7.00pm
Council Chamber, Municipal Offices**

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Application	Location
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4.4 NK/2021/0957	16 - 18a Horsemarket, Kettering

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

Application Reference	NK/2021/0306
Case Officer	Sean Bennett
Location	The Hermitage, Desborough Road, Brampton Ash
Development	Full Planning Permission: Redevelop eastern half of business to provide new employment units (Class E -formerly B1)
Applicant	Mr T S Guinness, Alistructures Ltd
Agent	Mr Justin Fox Fox Architects Ltd
Ward	Welland
Overall Expiry Date	15/07/2021
Agreed Extension of Time	04/03/2022

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 Brampton Ash Parish Council has a material written objection

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions

2. The Proposal

2.1 Full Planning Permission: Redevelop eastern half of business park to provide [11] new employment units (Class E -formerly B1)

2.2 The proposal will involve the phased demolition of the site's following existing 1816.06sqm of light industrial (former agricultural) accommodation:

Existing Light Industrial Accomodation Schedule					
Unit Number	Zone Name	Area SQ M	Area SQ FT	Use	Quantity
A	Bespoke Oak	155.26	1,671	Light Industrial Spaces	1
B	Arcrite	326.99	3,520	Light Industrial Spaces	1
C	Vacant	512.04	5,512	Light Industrial Spaces	1
D	Vacant	445.15	4,792	Light Industrial Spaces	1
E	UK Outdoor Living	211.11	2,272	Light Industrial Spaces	1
F	Ancillary Accomodation	165.51	1,782	Light Industrial Spaces	1
		1816.06	19,549 sq ft		6

- 2.3 And is proposed to be replaced with 11 new industrial units, totalling 2057.07sqm arranged in a handed question mark shape with a central parking and servicing courtyard consisting of the following:

Proposed Accomodation Light Industrial					
Unit Number	Zone Name	Area SQ M	Area SQ FT	Use	Quantity
01-00	Net	155.15	1,670	Light Industrial Spaces	1
02-00	Net	142.20	1,530	Light Industrial Spaces	1
03-00	Net	183.00	1,970	Light Industrial Spaces	1
04-00	Net	182.36	1,963	Light Industrial Spaces	1
05-00	Net	234.08	2,520	Light Industrial Spaces	1
06-00	Net	129.76	1,397	Light Industrial Spaces	1
07-00	Net	220.38	2,372	Light Industrial Spaces	1
08-00	Net	182.32	1,962	Light Industrial Spaces	1
09-00	Net	182.66	1,966	Light Industrial Spaces	1
10-00	Net	182.66	1,966	Light Industrial Spaces	1
11-00	Net	262.50	2,826	Light Industrial Spaces	1
		2057.07	22,142 sq ft		11

- 2.4 The total increase in sqm would be 241sqm or 11%. The existing office accommodation toward the western/ front part of the site is unchanged. 50 car parking spaces (including 7 disabled spaces) are proposed together with 4 motorcycle spaces and 32 cycle spaces.
- 2.5 Essentially the purpose of the proposal is to provide smaller and modern purpose built industrial premises for existing and new occupiers to replace the larger existing unwieldy units.

3. Site Description

- 3.1 The site is located off the B576 Desborough Road, approximately 2km north-east of Desborough, 1.8km south of Brampton Ash and approximately 200m east of the A6 roundabout close to the junction of Hermitage Road and the B576. Eckland Lodge, which consists of an established and further developing employment/ industrial site is located close to the south-east.
- 3.2 The site consists of the former farmyard associated with Hermitage Farm, with the Farmhouse adjacent to the west. The site is enclosed by the B576 Desborough Road to the south and farmland to the north and east. The site has two main

accesses served off the Desborough Road, one that serves the application site and another that serves the wider site's Office accommodation. There is a third access off Hermitage Road that serves the Farmhouse – this would be closed off to the commercial use by the proposal.

- 3.3 The site consists of four linear former agricultural buildings, used for light industrial purposes since 2015, grouped toward the western edge of the site with the eastern part consisting of hardstanding.

4. Relevant Planning History

- 4.1 KET/2017/0228 – Full Application - Conversion of 1 agricultural barn to B1 office including the installation of mezzanine, glazed screen, rooflights and windows; and 1no. agricultural barn to residential annex including private office with associated works including 4no dormer openings, windows, and external staircase. Creation of 8 car parking spaces – APPROVED – 21/07/2017
- 4.2 KET/2012/0563 – Full Application - Change of use of agricultural barns to industrial units with external alterations and associated car parking and landscaping – APPROVED – 29/10/2012 – IMPLEMENTED
- 4.3 KET/2010/0844 – Full Application - Change of use and conversion of agricultural buildings into B1 office use, existing barn to B2 use, provision of 24 parking spaces and associated landscaping – APPROVED – 22/07/2011

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 Brampton Ash Parish Council: Object on the following grounds:

“The reason that the Parish Council has made repeated objections to the development of this site is because the traffic flow through the village has risen very significantly along the single-track Hermitage Road since 2004. The Parish Council's electronically recorded data from 6/10/2021 to 6/11/2021 shows that peak morning figures of between 60 / 70 vehicles an hour are travelling daily from the A427 towards The Hermitage. We believe that increasing the number of employees working at The Hermitage by 113.5% will significantly increase that traffic flow in the morning peak time and again in the evening peak time. This is detrimental to the safety of the villagers and to the drivers of those cars, given that the road itself is a single-track country road with several bends and little or no lighting.

Whilst it is accepted that the proposed new development will increase the overall space by 10.5% it is ridiculous to use this figure to estimate the increase in traffic flow through Brampton Ash and Hermitage Road. Increasing the number of employees from 22 to 47 is the figure that should realistically be used: that represents an increase of 113.5%. This is because all journeys to The Hermitage will require the use of road transport as there is no other way to get to the site. Please note that public transport is not an option.

Fox Architects Response page 4, para 5: The statement that 'no employees are using this road' (ie, Hermitage Road) is simply not true. Members of the Parish Council have, themselves, seen vehicles travelling down Hermitage Road from the A427 direction early in the morning: these vehicles then pull into The Hermitage. The same vehicles are seen on a regular daily basis, indicating that they are not customers but, rather, they are employees travelling to work. Furthermore, for travellers from the Corby direction the most direct route to The Hermitage is via the A427 and then along Hermitage Road, a journey of approximately 8 miles each way. If the travellers from the Corby direction opted to take a route via Desborough and the A6 their journey would be approx. 12 miles each way. It is highly unlikely that these travellers would opt to choose a route that is 50% longer.

Fox Architects stated figures of travel movements should be doubled because employees and customers will make 2-way journeys, to and from the site.

69 car parking spaces would seem to be the correct number, ie, 47 for employees and additional spaces for customers and delivery vehicles visiting the site.

Brampton Ash Parish Councillors hereby unanimously object to this proposed development for the reasons stated above and they re-iterate the comments which they have previously made pertaining to this application."

- 5.2 NNC – Environmental Protection: No objection subject to imposition of the conditions relating to the control of construction working hours, contaminated land, restriction of delivery hours, vehicle reversing alarms and restrictions to outside working.
- 5.3 Local Highway Authority (LHA): State 'no objection' subject to the following:
- The LPA taking a view as to the site being in an unsustainable location
 - The LPA taking a view as to the amount of parking
 - Provision of a Construction Traffic Management Plan condition
 - Non-intermittent lights on the illuminated entrance signs
 - A minor Section 278 agreement being required with respect to work carried out within the highway
- 5.4 Anglian Water: State 'no comments'
- 5.5 Northamptonshire Police: State 'no objection or comments' in their response
- 5.6 NNC – Nature Development: No objection subject to imposition of mitigating conditions requiring a pre-commencement conditions relating to provision of a great crested newts method statement and a lighting strategy prior to occupation.
- 5.7 NNC – Archaeology: No objection subject to the provision of a condition relating to a programme of archaeological works

5.8 NNC – Lead Local Flood Authority (LLFA):

Most UpToDate comments are that ‘...there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.’ Requiring further information with respect to discharge rates against rainfall, drainage plan, hydraulic modelling calculations, details of drainage strategy taking place outside the site and to take account of tree protection areas, demonstrate that a gravity drainage system is not viable and details of how the system would be maintained.

Officer comments: the requested additional information was provided in a 37-page Drainage Statement, and a re-consultation exercise carried out with the LLFA on the 05/01/2022 (more than a month at the time of report writing) – no amended LLFA comments have been returned and therefore the above comments are those being considered

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)

- 2. Achieving sustainable development
- 6. Delivering a strong, competitive economy
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 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
- 4. Biodiversity
- 5. Water environment
- 6. Development on brownfield land and land affected by contamination
- 8. Place shaping
- 9. Sustainable buildings
- 11. The network of urban and rural areas
- 22. Delivering economic prosperity
- 23. Distribution of new jobs
- 25. Rural economic development and diversification

6.4 Kettering Site Specific Part 2 Local Plan (KLP) (2021)

LOC1 – Settlement boundaries

7. Evaluation

The key issues for consideration are:

- The principle of development
- Impact on character and appearance
- Impact on neighbours
- Impact on highway safety and sustainable travel
- Impact on biodiversity
- Impact on heritage assets
- Impact on the water environment and contamination
- Sustainable buildings

7.1 Principle of Development

The site is located within the open countryside as designated by Policy LOC1 of the KLP where development is severely restricted.

The site however is an established and committed employment site consisting of nearly 2000sqm of light industrial buildings, much of it occupied, with the wider site consisting of approximately 450sqm of Office space. The proposal intends to replace the existing buildings with 11 modern purpose built light industrial buildings with an 11% (241sqm) size increase. This basic tenet of development is consistent with Policy 22 (b) of the JCS that looks to prioritise the enhancement of existing employment sites and the regeneration of previously development land and therefore is also consistent with Policy 6 of the JCS which encourages development on brownfield land.

This development plan approach is advocated through provisions in the NPPF at chapter 6 and 11 which encourage a prosperous rural economy through the sustainable growth and expansion of business in rural areas and promotes the development of underutilised land.

It is also recognised that the site is proximate (within 200m) of the established and growing employment site at Eckland Lodge Business Park, which was safeguarded for that purpose in the recently adopted KLP. It could be argued that this safeguard should have been extended to include this site. Nevertheless, they should be read in a similar context and are complementary business uses within proximity to one another, which has a bearing when coming to a view on this aspect of the proposal.

A condition can be applied restricting the use to the applied employment use.

As such the principle of the development is acceptable.

7.2 Impact on character and appearance

Policy 8 (d) of the JCS consistent with chapter 12 of the NPPF seeks development to respond to the site's immediate and wider context and local character.

The existing site consists of a group of large linear buildings originally constructed for agricultural purposes and therefore have a functional agricultural design that sits comfortably within the area. They are however non-traditional in nature and appearance and whilst they do not exert harm neither are, they worthy of retention based on their architecture.

The proposal has looked to create a layout and general appearance akin to agricultural typology and has presented an enclosed inward-looking courtyard reminiscent of an enclosed farmyard layout whilst also proposing inoffensive buildings that respect a simple agricultural design including light weight timber/ metal cladding material atop a brick plinth with large openings. As such from outside the site the proposal would be read as agricultural buildings and therefore sit comfortably within the established boundaries of the existing site and within its rural surroundings. Materials will be agreed by condition.

Further, the submission has taken the opportunity to provide screen planting to supplement the existing and notably includes the provision of a 10m wide tree belt to the site's countryside edge beyond its north and east boundaries. Once established this measure will provide appropriate vegetative screening to the site and break-up/soften the proposals physical form. Whilst this tree-belt is outside the defined confines of the submission it is within the wider ownership of the applicant and therefore it can be subject to an appropriate landscaping condition to ensure planting and maintenance for a specified medium-term period whilst establishing.

Whilst the internal courtyard of the site would have a character defined by its parking – reminiscent of most small industrial estates – it is pleasant enough with some occasional planting and as it is contained by the agricultural styled buildings would not lead to a prominence of parking being seen outside of the site within the rural setting.

As the site consists of an established employment site its land use character has not changed, albeit a land use that is likely to be more intensive. The enclosed nature of the proposal helps to limit the visual influences of the light industrial uses within the surrounding area.

The proposal has taken appropriate steps to make the site resisted to crime including the provision of lighting and cameras. Northamptonshire Police have no objection to the proposal.

The proposal therefore respects the character and appearance of the area consistent with Policy 8 (d) of the JCS and therefore the proposal is acceptable in this respect.

7.3 Impact on neighbours

Policy 8 (e) of the consistent with paragraph 130 (f) of the NPPF looks to safeguard neighbour's amenity.

The site has no immediate neighbours that are independent of the landowner with the closest dwellings at the 'Farmhouse' and 'Hill Top' to the west of the site relating to the wider landholding. The closest non-associated dwelling to the site is thereby

at Hermitage Cottage approximately 100m to the west beyond 'Farmhouse'. This distance together with the fact that the site is currently a source of noise and the inward facing arrangement of the buildings proposed together with its modern wall insulations mean that the proposal is not likely to cause any adverse issues with respect to noise. The application was accompanied by a noise survey which concluded that the proposal would not have an adverse impact on the nearest residential buildings.

There is a further safeguard proposed, associated with the protection of 'Hermitage Cottage' residential amenity through the provision of a Council Environmental Protection condition preventing outside working and restricting the hours of construction. The proposal would also close off the Hermitage Road access for commercial purposes. These measures are considered to safeguard residential amenity at Hermitage Cottage. It is not considered reasonable or necessary to impose conditions preventing the use of certain types of reversing noise to vehicles or delivery times given the location of the access and the proximity of non-associated domestic property.

The proposal would have not detrimental impact to neighbours because of loss of light, outlook, or privacy.

The proposal is also adjacent to the wider site's office accommodation and whilst it is under the same ownership has its own access point and therefore there would not be any harm to continuation of that Office use at the site. The proposed light industrial use would not pose an adverse impact to users of the Office accommodation.

The nearby employment uses at Eckland Lodge would not be affected by the proposal.

As a result, and subject to imposition of the immediate above-mentioned conditions the proposal is considered to safeguard residential amenity and surrounding land users. The application is thereby acceptable in this regard.

7.4 Impact on highway safety and sustainable travel

Policy 8 (b) of the JCS consistent with chapter 9 of the NPPF seeks development to prioritise sustainable transport options, resist development that prejudices highway safety and ensure satisfactory means of access and provision for parking.

To tackle this, matter the application has been accompanied by a Travel Plan and Transport Statement including vehicle tracking and access design drawings.

First, the access is held to be safe by the Local Highway Authority (LHA) and as such subject to an appropriate condition being applied requiring the access to be provided in accordance with the details provided the access arrangements are acceptable. It is not possible for users of the site to access other than via Desborough Road (not Hermitage Road) due to the location of the buildings close to the sites northern edge

Secondly, and in relation to parking. The proposal would provide 50 car parking spaces (including 7 disabled spaces), whilst also retaining a central turning area for a 16.5m long articulated lorry. 4 Motorcycle parking spaces and 32 (21 covered) cycle store spaces have also been provided. The LHA have not indicated failure to comply with parking standards and therefore the provisions are acceptable. Significant and sensible amounts of parking (10-20) would also be possible outside of designated spaces, within the site without compromising highway safety should it be necessary during an unexpected highly trafficked event at the site.

The submitted Transport Statement considers the key considerations to be:

- *Confirmation from NCC outlines that there have been no recorded collisions within the study area over the most recently available five-year period.*
- *Access into the site will be through improvements to the existing private drive access which serves the industrial units. A minimum width of 7.3m will be provided between the security gates within the site and Desborough Road as to ensure for simultaneous two-way vehicle movement. No new points of access are proposed onto the highway network.*
- *Visibility Splays of 2.4m x 215m are achievable from the site access utilising land that is under the applicants control or that makes up part of the adopted public highway.*
- *It is considered that sufficient car parking provision will be provided within the site as to ensure no overspill of vehicle parking onto the highway. Sufficient cycle parking will be provided within the site as to encourage an alternative travel mode.*
- *Tracking of the council's refuse vehicle outlines that entry and exit to/from the site can be achieved within a forward gear.*
- *When offset against existing vehicle movements likely to be generated by the proposed development, the proposals could see an additional six vehicle movements upon the highway network during the worst peak period (AM). Such increases are considered negligible in accordance with policy within the NPPF.'*

Concluding that: '*...there are no highways or transportation reasons why the Local Highway Authority cannot provide an 'in principle' support for the proposed planning application.'*

The LHA do not challenge the content of the Transport Statement or its conclusions, thereby and with no cogent evidence provided that would justify coming to a different conclusion the access, parking and servicing arrangements are appropriate and therefore maintain highway safety.

Whilst the applicant has provided additional information to try and specifically address Brampton Ash Parish Council concerns, they retain an objection to the application based on the increased traffic flows that could pass through the Village

because of the proposal and the lack of parking. The level of parking provision has been addressed above. Hermitage Road, which gives southern access to Brampton Ash and the A427 consists predominantly of a single-laned rural road with passing lay-bys at intervals. The applicant's and Parish Council's main divergence is whether employees at The Hermitage site do and would travel through the Village. This by itself is moot as the existing level of traffic movements through the village because of the existing development would be low as most employees/ customers/ deliveries would approach the site from Desborough Road either from the A6 or through Desborough. The Transport Statement concluded, through analysis of the industry recognised Trip Rate Information Computer System (TRICS) database that the overall expected two-way increase of trips compared with the potential movements associated with the existing site would be a maximum of 6 during an hour – an increase from 45 to 51 during a Peak PM hour.

It is accepted that the site may not be currently operating at its full potential (with some vacant units) however it does not change the fact that the site could be generating more movements associated with its use.

As such the level of increased movements against the existing potential would be low overall (max of 6 an hour) and further diminishing with respect to increased movements through Brampton Ash. Thereby there would be no significant increase of vehicular travel along Hermitage Road because of the proposal and therefore would not alter its highway safety aspects. Whilst there is sympathy for the Brampton Ash objection there is no justified reason to withhold planning permission for the reasons the Parish identify.

Moving onto the availability of sustainable transport opportunities associated with the proposal. On this point the proposal must be considered in the context of its 'in principle' acceptability outlined in section 7.1 above associated with its established business use and promotion of rural economic prosperity. In addition, Eckland Lodge has been allowed to be developed in a plan-led way, with similar location sustainability circumstances as the immediate site.

Nevertheless, the site is relatively removed from settlements. Currently the proposal is approximately 2km from the outer edge of Desborough, however there are permissions on this edge of Desborough including an outline permission of 260 homes under KET/2019/0606 and designation of a commercial site (allocated D1 in the KLP) and currently being considered under NK/2021/0715, which reduces this distance. Further the site is approximately 750m from a Desborough Road pathway that travels from Desborough (and its bus stops) and ceases at the junction with Brampton Wood Lane at the site of a former Hotel there. There is therefore an opportunity for the proposal to provide better linkages to Desborough and its public transport (bus) connections. The NPPF at paragraph 85 is relevant and says:

'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving

the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

This text thereby firstly recognises that business uses may be acceptable beyond existing settlements that are not well served by public transport. The proposal is at such a site given its (and Eckland Lodge's) established business use and has been found to be sensitive to its surroundings and not to have an adverse impact on the local road networks. The proposal also makes use of previously developed land.

The only remaining point thereby, in the context of NPPF advise above is whether the proposal can take the opportunity to make it a more sustainable location. The proposal makes provision for 32 (21 covered) cycle store spaces, which is betterment on the existing arrangements for such sustainable travel opportunities and given that Desborough is a short cycle ride away (and getting closer) from potential employees the opportunities for workers to chose to arrive on a cycle is increased. The proposal will also provide 22 electric vehicle charging points.

The proposal has also provided information regarding a possible route whereby a 350-400m long pathway could be provided from the site and travel along the northern edge of the Desborough Road within two fields and provide access through a short section of hedgerow through to the highway, whilst also ceasing opposite the access serving Eckland Lodge. It is envisaged, given its field location that such a cycle/pathway should be part-made (IE- crushed stone). This thereby would mean that the proposal, with details to be provided by condition, significantly contributes toward making the site a more sustainable location.

It is accepted that the cycle/pathway would only provide half of the infrastructure required to link up with existing pedestrian routes however Eckland Lodge is a significantly larger development and business destination that continues to expand especially since its inclusion in the KLP as a designated business park. For instance, the Council is currently considering an extension to Eckland Lodge under NK/2022/0010 for the erection of eight B2/B8 units. It is therefore reasonable to expect that the Eckland Lodge proposal, particularly when taken together with the existing business units at Eckland Lodge, to provide the additional 400m stretch of cycle/footpath along Desborough Road to bridge the link between this applications pathway and the existing path further to the east. It would be unreasonable to expect this development to provide the full 800m of pathway especially as it would directly be benefitting the much more substantial business offer at Eckland Lodge. This proposed footpath can be required by condition.

In short, Eckland Lodge should be expected to provide its own measures to make it a more sustainable location and not rely on a smaller nearby development. This proposal has therefore 'done its bit' and it is for Eckland Lodge to continue the provision of sustainable linkages to Desborough and therefore make both sites a more sustainable location. Given that there is currently a Major application being considered at Eckland Lodge then there is a very real possibility that this footpath can be delivered in a way that benefits both business parks. Why this matter was not addressed at an earlier point in Eckland Lodges evolution is not clear to the

writing Officer, however that would not, in the Officers view, prejudice or otherwise prevent this real sustainability opportunity and gain being realised later.

The completed envisaged pathway would also provide a loose connection to the 'Macmillain Way' County long distance rural path from Desborough.

It is also noted that whilst the site may still see workers arriving via the private vehicle, despite provision and circumstances surrounding the site's sustainable location credentials, those trips may be shortened due to its proximity to potential available workforce at the nearby large settlement of Desborough than if those workers had to travel to business parks in Kettering or Market Harborough or further afield. It is also recognised that such a use would mean that some employees and users would require to visit the site in work vans, which are essential to their day-to-day working needs, however this would be the case in more sustainable locations.

The proposal is also accompanied by a 'Travel Plan' which looks to positively promote sustainable travel options and reduce the reliance on single car occupancy including establishing a 'cycle to work scheme', providing details of public transport options, promoting car club use and the provision of a 'Travel information pack' to tenants. The Plan shall be self-monitoring with installation of a Travel Plan Coordinator. This Travel Plan shall be conditioned.

A condition can be applied restricting the use to the applied employment use.

Consequently, the proposal provides appropriate arrangements to ensure the continued safety of the road network whilst also providing the necessary infrastructure required to make the site a more sustainable location. The proposal thereby, and with no objection from the Local Highway Authority, is acceptable on this matter.

7.5 **Impact on biodiversity**

Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.*

Policy 4 of the JCS, consistent with Chapter 15 of the NPPF seeks to protect biodiversity and promote ecological enhancement.

To deal with this matter the application was accompanied by a 'Preliminary Ecological Appraisal', which included an Extended Phase 1 Habitat Survey, and a 'Protected Species Report: Bat Presence/ Absence Surveys'. An 'Arboricultural Assessment' was also provided. Together the reports conclude, with adherence to their various recommendations and mitigation measures, that the proposal would not have an adverse impact to biodiversity and includes enhancements such as the

provision of bird/ bat boxes & habitat, herptile & insect habitat, and new native species tree planting.

The Council Ecologist has considered the submitted information and agree with its findings subject to imposition of conditions requiring a pre-commencement conditions relating to provision of a great crested newts method statement and a lighting strategy prior to occupation.

As such subject to imposition of the conditions recommended by the Council Ecologist and provision of a landscaping condition requiring details of the planting the proposal would protect and enhance biodiversity, including protected species.

7.6 Impact on heritage assets

Policy 2 of the JCS consistent with chapter 16 of the NPPF seeks development to preserve and enhance heritage assets.

The site does not include or is proximate to Listed Buildings or Conservation Areas and therefore the proposal would have no impact to above ground heritage.

To deal with matters relating to archaeology the proposal was accompanied by an 'Archaeological Desk-based Assessment', which concluded that there is evidence of Medieval activity around the site related to moated enclosure and associated features...there is also noted possibility of a cemetery. The exact extent and survival of the burial area is unknown. As a result, the submission concludes that, an Assessment of the potential archaeology on the site could be addressed through provision of an agreed programme of works, which could include trench work once the hardstanding on the site has been broken.

The Council Archaeologist agrees with the findings of the submitted Desk-Based Assessment and therefore have no issues to the proposal subject to the imposition of a condition requiring prior approval of a programme of archaeological works.

As such and with imposition of the condition recommended by the Council Archaeologist the proposal would safeguard heritage assets that may exist on the site. The proposal is acceptable in the respect.

7.7 Impact on the water environment and contamination

Policy 5 of the JCS consistent with chapter 14 of the NPPF looks for development to safeguard the water environment and flood risk.

To address this matter the application has been accompanied by a 'Flood Risk Assessment' (FRA) which states that the site is located within flood zone 1 – least prone to flooding and that surface water will be directed via a ditch network into existing land drainage on site. Foul water shall be stored on site and removed at intervals. The FRA concludes that the risk of flooding is '*very low*' and that '*the development of the site would not create any flood issues in the wider area.*'

To deal with initial issues, due to lack of information, identified by the Lead Local Flood Authority (LLFA) the application has also been supported by a 'Detailed Drainage Strategy' Plan including brownfield run-off calculations and a more recent 'Drainage Statement' including micro-drainage calculations.

The Council as Lead Local Flood Authority (LLFA) have not provided a response to the updated drainage information in good time. Given that the LLFA do not have a fundamental objection to the scheme and are more interested in the finer details of the drainage strategy and that the Applicants own the surrounding land it is unreasonable to withhold planning permission for this reason. However standard LLFA conditions shall be applied requiring details of the drainage scheme, its maintenance arrangements, and a post implementation verification report. These conditions shall be discharged in liaison with the LLFA

Anglian Water have no issues with the proposal.

In relation to contamination, the application was supported by a 'Phase 1 Land Contamination Risk Assessment'. This Assessment concluded that *'the site represents a moderate level of risk with respect to the proposed development'* and as such it is recommended that remediation is planned and undertaken as part of a Phase 2 and 3 remediation and verification strategy. The Council Environmental Protection Department agree with these findings although do not consider the issue to be a pediment to development subject to the remediation work being carried out and as such recommend provision of appropriate conditions to make the development safe in this respect.

As a result, the proposal takes appropriate measures to safeguard the water environment, deal with possible ground contamination and flood risk on and offsite. As such subject to imposition of the conditions discussed above the proposal is acceptable on these matters.

7.8 **Sustainable buildings**

Policy 9 of the JCS encourages development of over 1000sqm to meet BREEAM (Building Research Establishment's Environmental Assessment Method) very good subject to economic viability and to include passive solar design and decentralised energy where feasible.

This matter is briefly discussed at section 16 of the submitted 'Planning Statement' with the provision of solar panels mentioned (and shown on the drawings) and the desire to achieve the required BREEAM rating.

The application has also been accompanied by a 'Sustainable Energy Statement'. The Statement includes discussion relating to the provisions associated with carbon energy reduction (solar panels) and integrating buildings fabric thermal envelope performance. The submitted information demonstrates that the applicant has taken care to provide a development that harnesses its own energy and exceed Building Regulation requirements. A such the proposal is acceptable in this regard.

8. Other Matters

None

9. Conclusion / Planning Balance

9.1 The above has found that the proposal consists of the right development, in the right place and at the right time and makes significant strides to enhance the site's sustainability credentials and is therefore compliant with the development plan when read as a whole. Consequently, consistent with paragraph 11 of the NPPF presumption in favour of sustainable development applies and the proposal should be approved without delay.

10. Recommendation

10.1 Approve 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 shall not be carried out other than in accordance with the approved plans and information detailed below.

REASON: In the interests of ensuring satisfactory development and protecting the visual amenities of the surrounding area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

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.

REASON: In the interests of protecting and enhancing biodiversity in accordance with Policy 4 of the of the North Northamptonshire Joint Core Strategy.

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.

REASON: In order to encourage sustainable modes of transport in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

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.

REASON: In the interest of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

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).

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

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.

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

8. No article of any description shall at any time be manufactured, assembled, altered, repaired or stored outside the buildings hereby approved.

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

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.

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

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.

REASON: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199 and Policy 2 of the North Northamptonshire Joint Core Strategy.

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.

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

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.

REASON: In the interest of biodiversity and in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

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.

REASON: In the interest of biodiversity and in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

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.

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

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.

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.

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.

REASON: In the interest of site security and amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

REASON: In order to encourage sustainable modes of transport in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

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.

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

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.

REASON: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

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

REASON: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

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.

REASON: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

12. Informatives

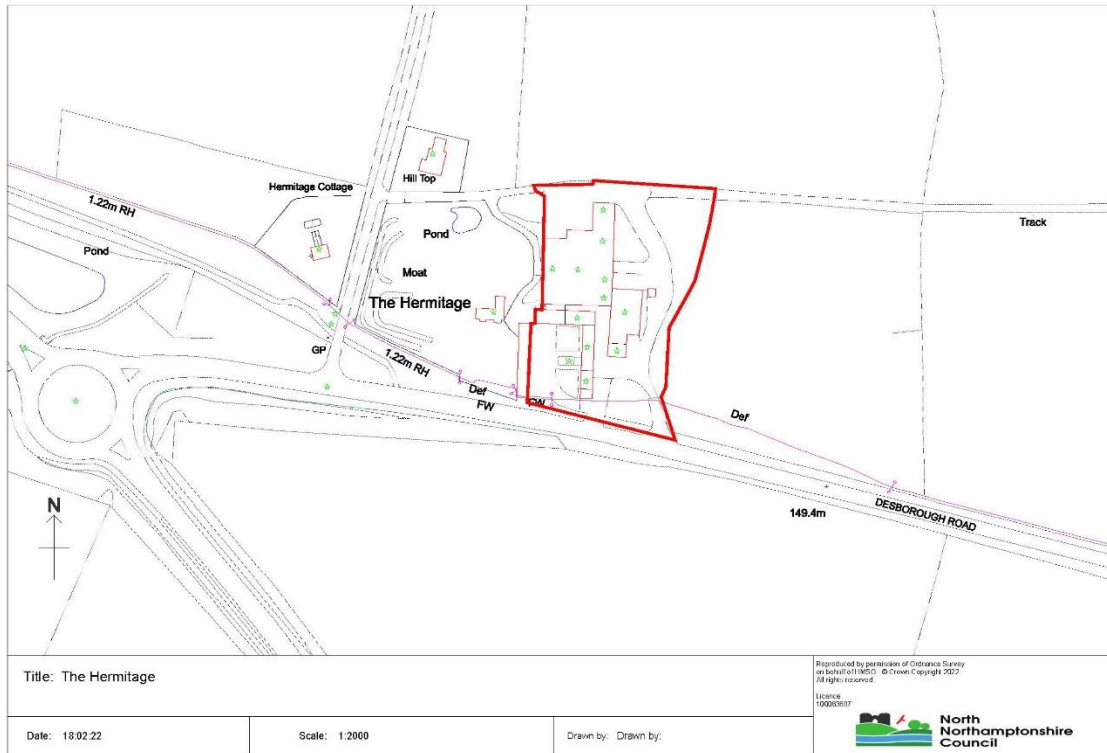
Positive/Proactive - amendments
 Noise Control
 Contaminated Land
 Highways Agreement

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 I
Location plan		20004-00-001.Rev03	01.04.21
Existing Site Plan		20004-00-002.Rev06	01.04.21
Existing ground floor p		20004-01-001.Rev05	01.04.21
Existing elevations		20004-02-001.Rev03	01.04.21
Existing elevations 2		20004-02-002.Rev.03	01.04.21
Proposed site plan		20004-00-003.Rev07	01.04.21
Proposed ground floor plan		20004-01-002.Rev15	21.12.21
Proposed ground floor plan part 1		20004-01-004.Rev06	14.04.21
Proposed ground floor plan part 2		20004-01-005.Rev06	14.04.21
Proposed elevations C		20004-02-003.Rev13	14.04.21
Proposed elevations C		20004-02-004.Rev05	14.04.21
Proposed elevations C		20004-02-005.Rev13	14.04.21
Proposed elevations C		20004-02-006.Rev05	14.04.21
Proposed elevations C		20004-02-007.Rev14	14.04.21
Proposed elevations C		20004-02-008.Rev05	14.04.21
Proposed elevations C		20004-02-009.Rev04	14.04.21
Proposed elevations C		20004-02-010.Rev13	14.04.21
Proposed elevations C		20004-02-011.Rev05	14.04.21
Proposed roof plan		20004-01-003.Rev07	01.04.21
Proposed section		20004-03-001.Rev03	01.04.21
Arboricultural Assessr		9818	01.04.21
Archaeological Assessment		DEHR20	01.04.21
Building Overlay		20004-01-006.Rev03	01.04.21
Cover letter		20004 -C1.L001	01.04.21
Design & Access Statement Part 01		20004-DAS-001_V003.F	15.04.21
Design & Access Statement Part 2		20004-DAS-001_V003.F	15.04.21

Design & Access Statement Part 3		20004-DAS-001_V003.F	15.04.21
Ecological Appraisal		BG20.303	01.04.21
Flood risk assessment		26113-01-FRA-01A	01.04.21
Industrial development Utilities Assessment		26113-07-UR.01	01.04.21
Noise assessment		J4507a	01.04.21
Land contamination assessment		3066D-P1	01.04.21
Phasing diagram		20004-00-006.Rev04	01.04.21
Sustainable energy re		050221revA	01.04.21
Travel plan		26113-08.TP-01	01.04.21
Transport Statement		26113-08.TS-01 Rev. A	21.12.21
Protected Species Re		BG20.303.1	20.09.21
Detailed Drainage Strategy		26113_01_230_02	13.09.21
Drainage Design Calculations		26113-01-CLAC-01	13.09.21
Covering letter		20004 C1 L001 JGF Rev dated 21 st December 20	21.12.21
Proposed Security and Lighting Layout		20004-01-007.Rev02	03.02.22
16.5m articulated vehicle tracking		26113_08_020_03	21.12.21
Drainage Statement		26113-01-TN-01	21.12.21
Covering letter		PW/20051 dated 6 th Oct 2021	21.12.21
Pedestrian site access		20004-01-008 Rev01	03.02.22



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

Application Reference	NK/2021/0842
Case Officer	Alan Chapman
Location	4 Church Close, Braybrooke
Development	s.73A Retrospective Application: Single storey side extension
Applicant	Kellner
Agent	Mr Jelley, Alpine Planning Ltd
Ward	Welland
Overall Expiry Date	08/02/2022
Agreed Extension of Time	04/03/2022

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 the agent is a consultant working for NNC on a scheme outside of the geographical remit of both the NN Area Planning Team (Kettering) and the NN Area Planning Committee (Kettering).

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Section 73A Retrospective Application: Single storey side extension

2.2 Background

Planning permission KET/2004/1217 was granted on the 17/01/2005 for a single storey side extension to the dwellinghouse. The approved drawings show the single storey side extension to have a shower room, study, family room, an external door to the side, and two internal doors connecting the extension to the main house.

However, following an investigation by this Council's Building Control service, the actual 'side extension' on site had clearly not been built in accordance with the KET/2004/1217 proposal as the 'side extension' had no internal connecting doors to the original main house and had been in use as a self-contained residential unit.

Consequently, the current applicant could not acquire building consent for the unlawful self-contained residential and contacted the local planning authority to enquire how to regularise the situation.

The advice offered was that in retrospect planning permission for a self-contained residential unit at this location would not be supported by officers, and that the best course of action was to apply for retrospective planning permission for the single storey side extension that would also include an internal connecting door similar to the KET/2004/1217 consented scheme.

Thus this NK/2021/0842 has been submitted to show the existing (not consented) layout of the whole site and the proposed layout with internal connecting door. It should be noted that the proposed 2021 layout is slightly different to the consented (2004) layout in so far that the only external door is now to be to the rear of the extension and there is to be only one internal connecting door rather than two.

3. Site Description

- 3.1.1 The application site consists of a two-storey semi-detached dwellinghouse with a single storey extension to its side. The property enjoys a large rear garden, a small front garden and off-road parking for at least two cars. It is located on the north side of Church Close just south of the Harborough Road within the settlement boundary of Braybrooke. Ground levels are generally flat across the site.
- 3.1.2 The single storey side extension has three casement windows in its front elevation, a dual pitched roof with a side gable. From the street, the property appears as a semi-detached house.
- 3.2 Constraints:
Nil.

4. Relevant Planning History

- 4.1 List all previous planning applications as follows:

Application No	Decision	Date	Address	Description
KET/2004/1217	ZAC	17-01-05	4 Church Close Braybrooke Northamptonshire	Single storey side extension

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 Braybrooke Parish Council
Have no comments to make.

5.2 Neighbours / Responses to Publicity
No comments received at time of writing.

6. Relevant Planning Policies and Considerations

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

6.2 National Policy
National Planning Policy Framework (NPPF) (2021)
Policy 1: Introduction
Policy 2: Achieving sustainable development
Policy 4: Decision-making
Policy 12: Achieving well-designed places

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

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1: Presumption in Favour of Sustainable Development
Policy 8: North Northamptonshire Place Shaping Principles
Policy 11: The Network of Urban and Rural Areas

6.4 Kettering Site Specific Part 2 Local Plan (Adopted 01 December 2021)
LOC1: Settlement Boundaries
RS1: Category A villages
RS5: General Development Principles in the Rural Area
BRA1: Braybrooke Development Principles

7. Evaluation

The key issues for consideration are:

- Principle of Development

7.1 Principle of Development

The only consideration relevant to this proposal is the principle of development.

Policy 8 and 11 of the JCS are supportive of small-scale residential development to existing dwellinghouses that are within the defined settlement boundaries. Policy LOC1, RS1 and BRA1 of the Site Specific Part 2 Local Plan are also supportive of residential development within settlement boundaries.

The principle of a single storey side extension (not to be used as a self-contained residential unit) to the main house has been established during the determination of the KET/2004/1217 application.

The restorative works to the property to make the side extension an integral and internally connected extension to the main house is acceptable.

However, due to the planning history of this site, then to prevent a recurrence of an unlawful self-contained residential unit becoming operational then a condition shall be imposed prohibiting the side extension being altered to form and be used as a self-contained residential unit.

8. Other Matters

8.1 Neighbour comments: None.

9. Conclusion / Planning Balance

9.1 The principle of a single storey side extension used in connection with the main dwelling is supported and planning permission is recommended.

10. Recommendation

10.1 That planning permission be GRANTED subject to conditions

11. Conditions

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. REASON: The site is in an area where new dwellings are not normally permitted in the interests of amenity in accordance with Policy 8 and 11 of the North Northamptonshire Joint Core Strategy.

12. Informatives

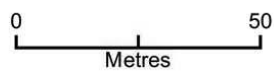
Positive/Proactive - pre-application advice
Building Regulations consent required

List of plans

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

Title	NK Ref.	Agent's Ref	Received Date
Location plan		TQRQM21281143107294	11/10/2021
Block plan and location plan		4774_1A	14/12/2021
Existing and proposed elevations		4774_3B	14/12/2021
Existing ground and first floor plans		4774_2B	11/10/2021
Proposed ground and first floor plan		4774_4B	11/10/2021

Location Plan



Plan Produced for: Alpine Planning Ltd
Date Produced: 08 Oct 2021
Plan Reference Number: TQRQM21281143107294
Scale: 1:1250 @ A4

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**North Northamptonshire Area Planning (Kettering)
Committee
03/03/2022**

Application Reference	NK/2021/0872
Case Officer	Alan Chapman
Location	22 Bracken Close, Kettering
Development	Full Planning Permission: Change of use of outbuilding to salon
Applicant	Miss L Hayes & Mr R Munton
Agent	Miss L Hayes
Ward	Brambleside
Overall Expiry Date	03/01/2022
Agreed Extension of Time	04/03/2022

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

Scheme of Delegation

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

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Full Planning Permission: Change of use of outbuilding to salon

2.2 Due to issues raised by objectors, the Local Highway Authority, and the case officer over a safe means of pedestrian access without having to pass/re-

pass over private land not under the control of the Applicants, amended plans (received 14 February 2022) were submitted detailing the fenced and gated route to the proposed salon from the front of the property.

- 2.3 A short re-consultation (7 days) was actioned on the amended plans received 14 February 2022, such that further comments can be received and reported to Planning Committee as updates.

2.4 Background

Planning permission for a residential annex (KET/2020/0748) was approved on this site on the 27th January 2021. The approved plans for this decision show that the annex (currently under construction) has internal connecting doors to the existing dwellinghouse, thus indicating that the applicants propose to use the annex as additional living space to their home rather than using the annex as a self-contained and separate dwelling unit for sale or rent. Indeed, Condition 4 of KET/2020/0748 reads:

4. The annexe extension hereby permitted shall not be occupied other than as part of the single residential use of the dwelling known as 22 Bracken Close.
REASON: Subdividing the plot would lead to a cramped form of development, out of character with the form and pattern of development in the area with insufficient vehicular parking or amenity space contrary to Policy 8 of the North Northants Joint Core Strategy

Prior to the making of this NK/2021/0872 application the Applicant submitted a planning enquiry for the change of use of an outbuilding into a hair salon with the proposed hours of operation being: Tuesday to Friday 9am – 6pm, Saturday 9am – 12pm. On the 19th October 2021 a senior planning officer responded that support for such a proposal would be likely and invited the applicant to submit a planning application for the change of use. However, on the submitted application form (NK/2021/0872) the applicant proposes the hours of operation to be: Monday to Friday 9am – 6pm, Saturday 9am – 12pm.

3. Site Description

- 3.1 The application site comprises a two-storey detached dwelling with attached single garage located on the south side of Bracken Close on a corner plot located at the entrance of the cul-de-sac of Bracken Close. Adjacent to the west is a bungalow and to the east is an area of open space. To the south are other two-storey dwellings. There is an existing outbuilding at the bottom of the garden. The area is residential and within the built-up area of Kettering. The single storey side extension to create annexed accommodation (approved under KET/2020/0748) is currently under construction at the site. A new concrete post and timber panelled fence has been constructed around the site's western boundary.
- 3.2 Constraints:
Private road.
Lack of hard-surfaced footway within the publicly maintained highway.

4. Relevant Planning History

4.1 List all previous planning applications as follows:

Application No	Decision	Date	Address	Description
KET/1964/0590	APPROVED	26-02-65	Rockingham Road (Land off), Kettering Northamptonshire	Residential development
KET/1968/0061	APPROVED	30-01-68	Brambleside Estate (Off Rockingham Road), Kettering Northamptonshire	Residential development on land edged in red
KET/1980/0677	APPROVED	04-08-80	Brambleside, Kettering Northamptonshire	Residential development
KET/1982/0517	APPROVED	02-12-82	Rockingham Road (Land off), Kettering Northamptonshire	71 detached dwellings
KET/2004/0765	ZAC	19-10-04	22 Bracken Close, Kettering	Extension to side and rear
KET/2019/0797	APPROVED	30-07-20	22 Bracken Close, Kettering Northamptonshire	Remove conifers and replace with 2m high concrete post, gravel board and feathered edge fence panel
KET/2020/0748	APPROVED	27-01-21	22 Bracken Close, Kettering Northamptonshire	Single-storey side extension to create annexe

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

No comments received at time of writing.

5.2 Neighbours / Responses to Publicity

Three (3) OBJECTION letters have been received. The issues raised are summarised below:

Landownership boundaries.

Land registry disputes.
Construction details of proposed footpath.
Private deeds concerning maintenance and use of/parking on the private road.
Conflicts between manoeuvring/parking of vehicles and pedestrians visiting salon along the private road.
Proposed path be completed before salon opens.
Access arrangements for potential customers.
Non-lit proposed footpath hazard to pedestrians.
Recommend access to salon be through applicant's land inside the boundary fence.
Parking demands from development.
Noise from salon.
Proposed footpath on land outside applicant's control.
Possible confrontation between applicants/neighbours/customers.
Have no problem per se with salon.
Appearance of shop front.
Limit any signage and lighting to be small and discreet.
Retail development in residential area.
Application is retrospective – works on outbuilding have already commenced.
Visibility and highway safety.

5.3 Local Highway Authority (LHA)

Recommendations:

Should the LPA be minded to approve the application, they must satisfy themselves as regards parking and servicing of the site. It is suggested a suitably worded condition is emplaced to ensure the building remains ancillary to the dwelling.

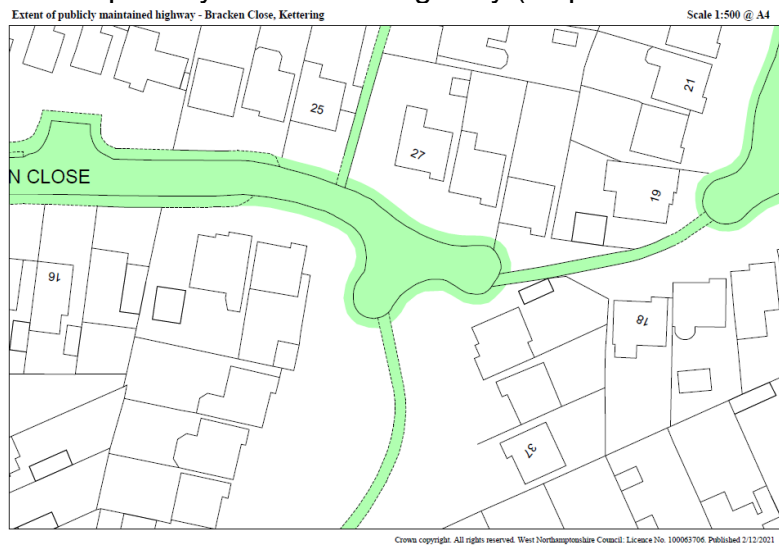
Based on the supplied information, it is thought the pedestrian access to the west of the salon would front onto a private road. A copy of the highways extents should be obtained and supplied from the Council's Land Searches team to accurately ascertain this. If indeed it does not front onto public highway, it is suggested the gate is re-located such that it is accessed directly off public highway land.

Recommendations (amended plans):

The revised plans now detail access adjacent to the shared private drive onto what is understood to be a private section of Bracken Close, as shown on the extract below from Northamptonshire Interactive Mapping tool by the absence of the blue line over the southern turning stub. The LPA should satisfy themselves the applicant has the appropriate approval to right of access from the landowner.



5.4 Land Searches' Team (Northamptonshire Highways)
 Plan of publicly maintained highway (as per LHA advice):



5.5 Environmental Protection
 There are no objections to the proposal or proposed working hours.

5.6 Environmental Care (waste)
 No comments received at time of writing.

6. Relevant Planning Policies and Considerations

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

6.2 National Policy
 National Planning Policy Framework (NPPF) (2021)
 Policy 1: Introduction
 Policy 2: Achieving sustainable development
 Policy 4: Decision-making
 Policy 5: Delivering a sufficient supply of homes
 Policy 6: Building a strong, competitive economy
 Policy 9: Promoting sustainable transport

Policy 11: Making effective use of land
Policy 12: Achieving well-designed places
Policy 14: Meeting the challenge of climate change, flooding and coastal change

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

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1: Presumption in Favour of Sustainable Development
Policy 6: Development on Brownfield Land
Policy 8: North Northamptonshire Place Shaping Principles
Policy 11: The Network of Urban and Rural Areas

6.4 Kettering Site Specific Part 2 Local Plan (Adopted December 2021)
LOC1: Settlement Boundaries
EMP4: Live Work Units

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Character and Appearance
- Impact on Living Conditions
- Highway Matters
- Other Matters

7.1 Principle of Development

7.1.1 The proposal is to convert an existing outbuilding that is incidental to residential use, to a work unit solely for the benefit of the applicant (residing at the property) to operate a hair salon, where the applicant is the sole employee/worker.

7.1.2 UK Government planning guidance states that 'working from home' (e.g., converting a garage into an office or place of work) may be permitted development where planning permission is not required. The guidance goes onto to state that planning permission will probably be required if:

- a) The home no longer be used mainly as a private residence
- b) The business will result in a marked rise in traffic or people calling
- c) The business will involve any activities unusual in a residential area
- d) The business will disturb neighbours at unreasonable hours or create other forms of nuisance such as noise or smells

7.1.3 Due to the nature of the development proposed, then a hair salon at this residential location could give rise to a marked rise in traffic/people calling, unusual activities and disturbance to neighbours. Accordingly, this application was invited such that the above matters could be more fully assessed.

- 7.1.4 Policy 6 of the JCS encourages the reuse of suitable buildings within the urban areas.
- 7.1.5 Policy 11 of the JCS directs new employment development to be located in a hierarchical manner (the Spatial Strategy) to strengthen the network of settlements where the Growth Towns, such as Kettering, are placed at the top of the hierarchy.
- 7.1.6 Policy LOC1 of the Kettering Site Specific Part 2 Local Plan is generally supportive of employment development within settlement boundaries subject to their compliance with the listed policy criteria and all other development plan policies.
- 7.1.7 Policy EMP4 of the Kettering Site Specific Part 2 Local Plan is generally supportive of live/work units where small businesses (including professional services) are supported in mixed-use and residential areas outside the designated town centres subject to their compliance with the listed policy criteria (such as not resulting in loss of residential amenity or a significant increase in on-street parking, and being specifically designed to ensure the commercial use remains ancillary to the residential use) and all other development plan policies.
- 7.1.8 The general principle of development is considered acceptable but only in so far that the proposed development is located within an urban area, it would provide a live/work premises solely for the benefit of the applicant and would reuse an existing building. However, the proposed development is further assessed for its compliance with all other relevant Development Plan policies below.

7.2 Character and Appearance

- 7.2.1 Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.2.2 The character and appearance of an area is not only affected by physical changes to the built environment but also by the operational uses that occur within it.
- 7.2.3 The outbuilding is a single storey structure with a mono-pitched pan tiled roof sites in the rear garden and facing the open area of land to the east and next door to the side elevation of No.24 Bracken Close. Public views onto the outbuilding are very limited due to the 2.0 metre boundary fence that surrounds the site. However, views of the top half of the building can be achieved from the elevated ground to the east from the open grassed area.
- 7.2.4 It should be noted that the outbuilding has already undergone the external building works shown on the proposed drawings, but it is opined that such works would be permitted development as these are alterations to an ancillary residential outbuilding. The alterations already carried out comprise

of a new opening inserted in the front (east) elevation consisting of a set of patio doors with two narrow windows either side. The door and window openings in its side (north) elevation have since been bricked-up, as well as the other openings that once existed in its rear (west) elevation. No changes are proposed or have occurred to its side (south) elevation.

- 7.2.5 In her statements to justify the proposed development and to add clarity to the intensity of the business, the Applicant advises [in italics below] that:
- 7.2.6 *“The business will be purely hairdressing carried out by myself on a one-to-one basis. On average 4 people would be visiting the salon per day.*
- 7.2.7 *Work on the outbuilding [the ‘salon’] was happening regardless due to the unsafe condition it was left in from the previous owner, the works were carried out to make it a safe and useable space.*
- 7.2.8 *I shall be sending a message out to my clients the day before their appointments explaining where they need to park if they are coming in a car, which will be a space on our 3-car driveway. There will be 1 space minimum available at all times when the salon is open. I shall also be meeting and greeting my clients the first few times they come so they know exactly where to park and where to go. We will only let customers park on our drive when using the salon. I will be working on a one-to-one basis like I do now.*
- 7.2.9 *I currently have a salon in a residential area, Kingsley avenue. The building I’m renting is unfit for purpose due to the roof leaking with heavy downpours, which has been happening for some time. I am now the only person working in the salon and the salon will be closed when I get permissions to operate from home. I won’t be advertising the salon or having any signage as I already have my clientele and as it’s my home, I will be keeping it exclusive.”*
- 7.2.10 Due to concerns raised regarding pedestrian access to the outbuilding, the most recent amended plans (received 14 Feb.) show that the outbuilding will be contained behind the solid 2-metre-high timber panelled fence running along the property’s entire southern, and eastern boundary with a small return along the northern boundary. The amended plans (see 220/016/10 C) now show that pedestrian access to the proposed salon would direct from the driveway of 22 Bracken Close and along a footpath running along the inside of the current boundary fence and on the applicant’s land.
- 7.2.11 The above arrangements would help to ensure that the proposed salon remains largely screened from public view as well as screening the operational use of the site as ‘customers’ visiting the salon would only be visible in the street when at the front driveway to No.22.
- 7.2.12 To further limit the impact of the development then conditions shall be imposed requiring the boundary treatments and access arrangements to be implemented and always maintained thereafter. Furthermore, conditions shall also be imposed to prohibit the erection of any external lighting (unless at foot level and contained within the Applicant’s own land), signage on the

property and for no gates to be inserted in the curtilage boundary fence along the site's northern, eastern, and southern boundaries.

- 7.2.13 As it would be unreasonable and probably un-enforceable to impose conditions governing the number of visiting clients and not possible to predict precisely the future intensity of operations at the site, and taking into account that the area is purely residential then to safeguard local residents from possible and unforeseen nuisances arising from the development and also to allow the Local Planning Authority to monitor and apply reflective judgement on the proposal, then conditions shall be imposed to limit the hours of operation, make the planning permission personal to Miss Lucy Hayes and for the permission to be temporary and time limited to a maximum period of 3 (three) years.
- 7.2.14 For the reasons and conditions given above it is considered that the proposal will preserve the character and appearance of the area and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 Impact on Living Conditions

- 7.3.1 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of noise, vibration, loss of light or overlooking.
- 7.3.2 Concerns have been raised by neighbours that the proposed development would give rise to nuisance such as noise, odours, and light pollution. In response the Environmental Protection officer (EPO) raised no objections to the proposal on these issues but advised the imposition of a condition to limit the hours of operation.
- 7.3.3 Based upon the scale of the development that the Applicant has provided details upon (see section 7.s above), and the comments of the EPO, then it is opined that the proposed development would not give rise to any significant impacts on the neighbours living conditions. It should be noted that the EPO have their own regulatory powers to address any statutory nuisances that may arise.
- 7.3.4 However, it is considered reasonable to impose a condition to restrict the hours of operation to that originally advised by the Applicant. Such a condition in conjunction with conditions relating to personal use and a temporary use, then these would ensure that living conditions are safeguarded.
- 7.3.5 For the reasons and conditions given above it is considered that the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy in that it does not result in an unacceptable impact on the amenities of future and surrounding occupiers.

7.4 Highway Matters

- 7.4.1 Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing, and manoeuvring in accordance with adopted standards.
- 7.4.2 Various concerns/recommendations have been raised by neighbours and the Local Highway Authority (LHA) concerning parking, safe pedestrian access, and use of/access over private land.
- 7.4.3 To address all of these concerns the Applicant was invited to submit amended plans as well as statements on the scale and nature of the development.
- 7.4.4 To ensure as far as reasonably possible that visitors to the site were not inadvertently forced to walk across the private road or navigate along the unpaved and grassed parts of the public highway and to as far as possible direct them along the paved footways in the public highway, then the pedestrian access to the salon was revised so that such access would be direct off No.22's front driveway and would follow a fenced footpath enclosed within the Applicant's land by a solid curtilage boundary fence containing no gates along the southern, eastern and northern return curtilage boundary where they are boarded by the private road and the grassed public highway verge.
- 7.4.5 The Applicant has stated that they would have up to 4 client's a day, and that clients would be advised in advance of where to park their vehicles. It is reasoned that these are practical and reasonable measures to ensure that at most only one or two cars (associated with the salon visitors) may require parking in the area, and that there would sufficient capacity on the public highway (no parking enforcement measures observed) and or on the Applicant's driveway.
- 7.4.6 Also, Bracken Close has a turning head just east of the site where it is opined that there would be sufficient space for vehicles to turn/manoeuvre within the public highway without causing any severe impacts that could prejudice highway safety. The aforementioned conditions governing hours, personal use, boundary details (gates), and temporary 3-year life to the permission, would ensure that the perceived highway related conflicts are satisfactorily addressed.
- 7.4.7 For the above reasons and conditions, the proposal would accord with JCS Policy 8(b).

7.5 Other Matters

- 7.5.1 Matters raised concerning private deeds relating to the private road, and landownership boundaries/land registry disputes are noted.

- 7.5.2 However, with the amended plans to show the proposed access arrangements and suggested conditions as already discussed above, then it is opined that all reasonable and practicable measures have been put in place to safeguard against such private matter disputes. It is accepted that there could be very occasional occurrences where the use of the private road is contested by the relevant parties, but this would be a private matter for those parties to resolve.
- 7.5.3 It is believed that the alleged retrospective works that have already occurred (new boundary fence, external works to the outbuilding) are either permitted development (works to an ancillary residential outbuilding) or permitted by earlier planning permissions (KET/2019/0797 – new boundary fence) (KET/2020/0748 - Single-storey side extension to create annexe). The change of use of the outbuilding to a salon requires planning permission, but this operational part of the development was observed not to have commenced during the case officer's last visit to the site on the 10 February 2022.

8. Other Matters

- 8.1 None

9. Conclusion / Planning Balance

- 9.1 The proposal accords with national and local planning policy; it would not have a detrimental impact upon highway safety, living conditions or the area's character. The application is therefore recommended for approval subject to conditions.

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. 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

REASON: To enable the Local Planning Authority to re-assess the situation as this application is being granted as a "trial-run" to see what impacts it has on highway safety and residential amenities in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. This permission shall enure 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.

REASON: To ensure that a hair salon business does not persist at this site beyond the permitted timescales and to ensure that it does not become occupied by an operator who is independent of the property.

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

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

5. The development hereby permitted shall be used only for purposes ancillary to the enjoyment of the dwellinghouse as such.

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

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).

REASON: To ensure that the use of this building, in a residential area, cannot change to another commercial use that has not been assessed, or be separated from the residential planning unit which is an ancillary part of in the interests of residential amenity and protection of the area's character and appearance in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The use hereby permitted shall not be carried out before 0900 hours or after 1800 hours on Tuesdays 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.

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.

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.

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

9. No advertisements shall be displayed on the site.

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

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.

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

12. Informatives

Positive/Proactive - amendments
 Building Regulations consent required
 Party Wall Etc. Act

List of plans

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

Title	NK Ref.	Agent's Ref	Received Date
Location plan	NK/2021/0872/1		26.10.21
Existing block plan	NK/2021/0872/2		02.11.21
Email statement 26 Nov 2021	NK/2021/0872/3		26.11.21
Email statement – floor plan	NK/2021/0872/4		30.11.21
Existing elevations and floor plans		220-016-09 B	10.02.22
Proposed elevations and floor plans		220-016-10 B	10.02.22
Proposed elevations and floor plans		220-016-10 C	14.02.22
Existing & proposed Layout plan		220-016-11 C	14.02.22



Title: 22 Bracken Close

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North Northamptonshire Council

Date: 18:02:22

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

Application Reference	NK/2021/0957
Case Officer	Richard Marlow
Location	16 - 18a Horsemarket, Kettering
Development	Full Planning Permission: Mixed use development consisting of 28 no. flats and ground floor commercial unit
Applicant	Newlands Development Ltd
Agent	Newlands Development Ltd
Ward	William Knibb
Overall Expiry Date	02/03/2022
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 Kettering Town Council has a material written objection. In addition, there are unresolved, material objections to the proposal and the application requires an agreement under s.106.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions and the completion of a Section 106 Legal Agreement by 31 March 2022 (or other date to be agreed).

2. The Proposal

- 2.1 The application seeks full planning permission for a five-storey mixed use development of 28 no. flats and ground floor commercial unit. The application is consistent with the scheme submitted through reference KET/2020/0586 that was dismissed at appeal in August 2021.

- 2.2 As set out in section 4.0 below the site has a long and complex planning history. Of key importance are the appeals through KET/2019/0663 for a six storey development comprising 35 no flats with ground floor commercial and KET/2020/0586 a five storey development consistent with this proposal (28 no. flats and ground floor commercial). Both appeals were heard by the same Planning Inspector during an informal hearing in Spring 2021 with decisions dismissing both appeals issued in August 2021.
- 2.3 In summary, the Inspector concluded that the six storey development, at a height of 17 metres fronting Horse Market represented an incompatible scale which would harm the character and appearance of the Conservation Area and the setting of a listed building and fails to secure the timely transfer of land required for highway improvements. For these reasons and conflict with the development plan, he concluded that the appeal should be dismissed.
- 2.4 For the five-storey proposal, which at a height of 14.47 metres fronting Horse Market is only 47cm taller than the approved hotel scheme through KET/2011/0152, the Inspector dismissed the appeal. He concluded that scheme was acceptable in highway terms and made no comments about the schemes scale but dismissed that appeal on a technicality due to errors within the drafting of the Unilateral Undertaken presented by the applicant. The lack of a trigger for the transfer of land for highway improvements and mapping errors meant that the Inspector could not be certain about the effectiveness of the Unilateral Undertaking in securing the timely transfer of land for highway improvements.
- 2.5 This latest application therefore is a resubmission of the previously appealed scheme with the intention of resolving the key outstanding matter, namely the Unilateral Undertaking. An identical scheme was submitted in autumn 2021 and an appeal lodged with the Planning Inspectorate due to the non-determination of the scheme by the Local Planning Authority.

3. Site Description

- 3.1 The application site stands within Kettering Town Centre, at the junction of Queen Street and Horse Market and is located within the Silver Street Quarter established by policy 22 of the Kettering Town Centre Area Action Plan (AAP).
- 3.2 The site comprises of a boarded area of land fronting the Horse Market with consent for a hotel and is surrounded by a mix of commercial and residential uses. Queen Street bounds the site to the north which is currently a one way street leading towards Horse Market. Planned highway improvements in Queen Street set out in the AAP would accommodate two way traffic and these would encroach into the site. To the south of the site is Hogs Lane, a narrow one way service road that serves the rear of residential properties fronting Green Lane. A car sales site stands beyond Hogs Lane to the south, whilst to the north there is a vehicle body repair specialist. To the east of the site is a council owned public car park whilst beyond the car sales to the south is Dalkeith Works factory a three-storey grade II listed building.

3.3 Any Constraints Affecting the Site

- Planned Highway Improvements to Queen Street.
- Within and adjacent to Conservation Area.
- To the south of the site is a car sales garage and Dalkeith Works, a Grade II Listed Building beyond.

4. **Relevant Planning History**

NK/2021/0692 Mixed use development consisting of 28 no. flats and ground floor commercial unit. Appeal made due to non-determination.

KET/2020/0586 Mixed use development of 28 no. flats and ground floor commercial unit (A1/A2/B1) Appeal dismissed

KET/2019/0663 Mixed use development of 35 no. flats and ground floor commercial unit (A1/A2/B1) REFUSED and appeal dismissed.

KET/2018/0525 Outline application with all matters - Development of up to 36 no. retirement apartments including communal facilities and parking, with ground floor retail unit for A1 or A3. Committee resolution 18/12/2018 minded to grant approval subject to S106 securing accommodation for over 55-year-old residents as specified within the application.

KET/2017/0381 Outline application with access 41 no. retirement apartments, including communal facilities, access and parking, and ground floor retail and/or restaurant unit. REFUSED and appeal dismissed through APP/L2820/W/18/3207628

KET/2014/0546 Extension to KET/2011/0152 of 21 no. hotel rooms and a re-configured car park, with access onto Queen Street. APPROVED 28/1/16.

KET/2014/0383 - Change of use of site to a car park with car valet service, new vehicular access to Queen Street and erection of portacabin. APPROVED 04/08/2014.

KET/2014/0234 - Change of use of site to a car park with car valet service, new vehicular access to Queen Street and erection of portacabin. WITHDRAWN

KET/2011/0196 - Redevelopment of car sales and services area car park and access road to form phase 2 of retail (A1/A3) and hotel development. APPROVED 16/08/2011.

KET/2011/0152 s.73 Application Variation of conditions 2 (materials), 4 (noise mitigation), 5 (contamination assessment), 10 (approved drawings), 11 (servicing facilities) and 12 (highway details) of planning permission KET/2007/0449 (permission allows a hotel, ground floor retail unit and basement health club) in order to accommodate planned highway improvements and changes to fenestration APPROVED 03/06/2011.

KET/2010/0344 – Landscaping scheme – APPROVED 15/07/2010

KET/2009/0661 – Demolition of buildings – APPROVED 25/02/2010

KET/2008/0924 – Demolish and clear existing buildings – APPROVED 29/01/2009

KET/2007/0449 – 45 bed hotel with ground floor A1 or A3 unit and basement health club – APPROVED 11/06/2008

5. Consultation Responses

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

5.1 Kettering Town Council

Objection on the following grounds

- a. The proposals represents an over development of the site, with a building that is out of scale with its surroundings
- b. There is insufficient parking associated with the development
- c. Poor disabled access

The Council also notes that the artists impressions accompanying the site are highly misleading and under-represent the scale of the building compared to its surroundings.

5.2 Neighbours / Responses to Publicity

Two third party objections have been received including one from the neighbouring car sales premises to the south of the application site on the following grounds:

- There have been many refusals for planning applications on this site which have proved contentious and controversial
- The application states that no work has started on the application.
- Concern regarding any contamination on the site.
- Concern regarding new or altered pedestrian access to or from a public highway.
- Concern regarding trade waste and effluent.
- Concerns about disabled access and the provision of toilets
- No reference to opening hours or deliveries.
- This is a 5 storey building which is completely out of character with the Horse Market as stated by English Heritage.
- There are no plans for the flat roof area.
- There will be serious overlooking of the rear of houses on Green Lane, given windows facing houses from up to five storeys, especially as this development will face kitchens, living rooms and bedrooms.
- There are skewed perspective photos which completely misrepresent the effect of this development on the Horse Market.
- Anglian Water point out the inadequacy of the drainage system from this proposal.
- The supply of car parking spaces is completely inadequate.
- There is no mention of a fire sprinkler system being installed to prevent a repeat of what happened in a secluded ground floor car park in Dryland Street where a blazed tore through the car park burning out cars and damaging the flats above creating a fire risk.

- Just one lift for five floors is a fire risk especially for disabled resident and indeed the total number of residents.
- Hogs lane provides vehicular access for Beddows Motor Company and some green lane residents who have a car parking access directly onto Hogs lane which is a one way street flowing from Mill road to London road if this plan proceeds and Hogs lane is closed these road users would only be able to exit by driving the wrong way up a one way street, we therefore totally object to losing our rear access that we have had since the 1970's, surely if a road is to be closed this would involve consultation with affected parties, the Council and the department of transport, not to mention the total inconvenience we would suffer as a long standing business.

5.3 Local Highway Authority (LHA)

No comments

5.4 Anglian Water

Anglian Water have no objection to the proposal and have recommended conditions regarding foul water drainage and surface water disposal if the Local Planning Authority is mindful to grant planning approval.

5.5 NNC Environmental Protection

In line with our comments on the previous application, they recommend that the following conditions are attached to any permission:

XA1 Air Quality dwellings

XCD2 Working hours for construction

IEH1 Radon

XCL4 Contaminated land – unexpected contamination (all sites)

IEH2 Invasive Weeds - Informative

XN1 Protection from Noise (all residential in close proximity to road, rail, and non-domestic uses)

IEH5 Acoustic separation (all domestic dwellings) informative

XRL1 Refuse (Flats)

XND1 Control of hours retail shops

XNG2 Control of hours deliveries and collections

5.6 NNC Key Services (Education, Libraries, Superfast Broadband) and on behalf of Northamptonshire Fire & Rescue Service (NFRS)

Requests have been made based on the proposed dwelling mix as follows:

£20,928 towards Early Years Provision

£33,492 for Primary Education

£14,412 Secondary Education

A Libraries Contribution of £3,856

£921 for 1x fire hydrant

Fire

Any hydrants and/or sprinkler systems, if required, should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial building being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire.

The final location of any fire hydrants and/or sprinkler systems for the new development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation, and secured through a planning condition.

5.7 NHS Northamptonshire CCG

A request of £14,235.33 towards increased primary care capacity has been made although no specifics about where or for what purpose the contribution would be used has been specified.

5.8 Northamptonshire Police Crime Prevention Design Advisor

This area of Kettering has historically and periodically still does suffer from incidences of robbery, burglary, theft from Motor vehicles, and theft of motor vehicles, criminal damage and issues of anti-social behavior. Due to the location of the site, designing out crime should be high on the list of sustainable priorities.

Part Q building regulations will only apply to the dwellings and not the car park, bike store or commercial element of the site as such the applicant should provide full security details relating to these elements preferably on a plan that can form part of the planning approval (should it be granted).

The applicants have provided a statement regarding security within the Design and Access. They have used some generic language such as 'lockable' and 'key/fob'. The security details need to be more specific. To make sure this forms part of the completed project the applicants should provide a plan or statement with technical details showing enclosures and location of CCTV. It should also specify door and window security (including bike and bin stores) including entry systems and lighting of the car park. This plan will then form part of any planning approval.

Should the application be granted permission a condition added to ensure security and crime prevention measures are implemented in line with national and local policy.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

Policy 6 – Building a strong, competitive economy

Policy 7 – Ensuring the vitality of town centres

Policy 8 – Promoting healthy and safe communities

Policy 9 - Promoting sustainable transport

Policy 12 - Achieving well-designed places

Policy 16 – 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)

North Northamptonshire Joint Core Strategy (JCS)

- Policy 1: Presumption in favour of Sustainable Development
- Policy 2. Historic Environment
- Policy 3. Landscape character
- Policy 4. Biodiversity and Geodiversity
- Policy 5. Water environment and flood risk management
- Policy 7. Community assets
- Policy 8: North Northamptonshire Place Shaping Principles
- Policy 9: Sustainable Buildings
- Policy 10: Provision of Infrastructure
- Policy 11: The Network of Urban and Rural Areas
- Policy 15: Well-Connected Towns, Villages and Neighbourhoods
- Policy 22: Delivering Economic Prosperity
- Policy 28: Housing Requirements
- Policy 29: The Distribution of New Homes
- Policy 30: Housing Mix and Tenure

Kettering Town Centre Area Action Plan

Supplementary Planning Documents
Urban Codes SPD

6.4 Kettering Town Centre Area Action Plan

- Policy 1 – Regeneration Priorities
- Policy 2 – Urban Quarters, Urban Codes and Development Principles
- Policy 5 – Culture, Tourism and Leisure
- Policy 7 – Road Network and Junctions
- Policy 12 – Heritage conservation and archaeology
- Policy 22 – The Silver Street Quarter

6.5 Other Relevant Documents

Urban Codes SPD

7. Evaluation

The key issues for consideration in this application are:-

- Principle of Development;
- Character and Appearance;
- Amenity
- Highways, Access and Parking;
- Flood risk and Drainage;
- Sustainable Building Implications;
- Affordable Housing and Community Infrastructure.

7.1 Principle of Development

The proposal comprises mixed use development of 28 self-contained flats, with a ground floor commercial unit on a site which falls within the town centre boundary as set out within the Kettering Town Centre Area Action Plan (AAP). Policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) focus new development within the growth town of Kettering.

The application site comprises the western part of site SSQ5, as set out in the AAP, allocated for commercial use and having potential for hotel use together with road and junction improvements as set out in policy 22. Objective 3 of the AAP seeks to deliver a new residential community and utilise residential uses to support and complement the quarters. A vertical mix of uses with active uses at ground floor and residential above, as proposed here, is supported throughout the AAP.

In conclusion, the scheme falls within the town boundary of Kettering and its development is consistent with policies 11 and 29 JCS and saved policy 35 of the Local Plan for Kettering Borough. The proposed scheme would therefore contribute to the redevelopment of a key site within the town centre and subject to the detailed matters considered below the principle of residential led development on the site accords with the requirements of the development plan subject to satisfying the criteria below.

7.2 Character and Appearance

Policy 8(d) of the JCS, consistent with chapter 12 of the NPPF, seeks development to respond to local character and wider context.

As the proposal is within the setting of adjacent Grade II Listed Building at Dalkeith Works on Green Lane the proposal falls to be considered under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Moreover, given that part of the site is located within a Conservation Area it also falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

This scheme proposes a 5-storey development with a height of 14.47m to the west elevation fronting Horse Market which is set within the Conservation Area and the setting of the adjacent Grade II Listed Building at Dalkeith Works on Green Lane.

The Kettering Town Centre Area Action Plan (AAP) sets out the planning policies for this area and guiding principles specific to the character of each quarter are set out in the supporting Urban Codes supplementary planning document (SPD) which is a key element in achieving the urban quarters concept and in delivering design-led regeneration. The Urban Codes as set out in policy 2 of the AAP outline specific

buildings uses, heights, massing, density and materials as well as identifying key spaces, streets and necessary public realm improvements for each area.

The site forms the western part of allocated site SSQ5 allocated for commercial use with the potential for a hotel through policy 22 of the AAP. The Urban code for the Silver Street Quarter, specified within the SPD, envisages buildings of 3-4 storeys in height on either side of Queen Street facing Horse Market with the potential for new landmark buildings whilst respecting their surroundings and setting.

The height of the proposal, its design, detailing and appearance presents a scheme that would impact upon the character and appearance of the Conservation Area and detract from the setting of the Grade II listed Dalkeith Works Factory.

Section 16 NPPF sets out that in determining applications Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. This is further amplified in paragraph 202 which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Dalkeith Works is a Grade II listed building located on Green Lane. It is a large three-storey imposing building, set at the back edge of the footway within an area of mainly smaller scale residential terraces. Its significance is largely derived from its historic form and particular architectural features. An appreciation of the architectural importance of Dalkeith Works is mainly available from Green Lane itself, due to the closeness of the built form of the surrounding area. In that respect, the setting and its contribution to its significance is limited. Nevertheless, the presence of large, high structure on the proposed site would dominate the surrounding area and therefore there would be some limited harm to the significance of the listed building.

The siting of the proposed building adjacent to Horse Market means that it would be highly visible within both the streetscene and Conservation Area. The five-storey proposal would exceed the height of all surrounding buildings but would only be marginally higher than the consented hotel scheme for the site which was secured back in 2011. The scheme exceeds the advice set out in the Council's Urban Code Supplementary Planning Guidance (UCSPG) which is a framework to guide development within the various designated Quarters of the town. However, given that this proposal seeks only a modest increase in height from the previous hotel consent, the scale of the proposal in this instance is considered to be acceptable and its impact on designated heritage assets and the Conservation Area would be comparable to the extant hotel scheme. Indeed, the Planning Inspector in dismissing the identical scheme raised no concerns about its scale or built form

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.

The design of the building itself incorporates red brick faced elevations with stone banding and coping details topped by a zinc clad top floor (fifth floor). Subject to the

use of appropriate materials and detailing, notably for the fenestration of the building, and given the sites history, with extant planning permission at 14m height, the proposal is considered to be acceptable in terms of its appearance and design.

7.3 **Amenity**

JCS Policy 8 (e) seeks development to protect the amenity of all future and surrounding users of land and buildings.

The footprint of the building fronting Horse Market is consistent with the previous hotel consent through KET/2011/0152. This building would be sited directly north of the neighbouring car sales/ servicing business accessed off Green Lane and south of the vehicle body repair specialists on the opposing side of Queen Street. It would be located to the north west of the nearest residential property at no 27 Green Lane, and therefore due to the path of the sun will result in no overshadowing or loss of light to nearest residential units or the car sales business to the south.

The siting of the proposal means that it would be in excess of 30m from nearest residential properties at Green Lane and Dalkeith works and given the separation distances and town centre location are considered acceptable to protect neighbouring amenity.

Any significant impacts arising as a result of construction work associated with the proposal could be controlled via provision of condition restricting construction hours as recommended by the Council's Environmental Protection Department.

The Councils Environmental Protection team have raised no objection to the scheme subject to a number of conditions including those relating to contamination, air quality, refuse and noise impacts.

Moving on to future occupiers living conditions. The proposal has been designed to meet National Space Standards required by policy 30 (b) of the JCS.

No significant adverse impact would result from the development in terms of amenity and the scheme therefore accords with policy 8 of the North Northamptonshire Joint Core Strategy. The Planning Inspector in dismissing the two previous applications raised no concerns about the amenity impacts of development on this site.

7.4 **Highways, Access and Parking**

Policy 8 (b) of the JCS states that new development should make safe and pleasant street by, amongst other ways, ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards whilst also resisting developments that would prejudice highway safety.

No comments have been received to this application from the LHA. On the previous identical scheme they objected on the grounds of insufficient parking facilities, proximity to the highway boundary and insufficient pedestrian visibility splays and no vehicle visibility splays and these matters were assessed in detail by the Planning Inspector. Additional comments have made by third parties to this application regarding car parking provision, access and egress to the site and servicing. The

commercial unit is small at 122 sq. metre floorspace and given its size is not demonstrated to require dedicated provision for delivery vehicles, consistent with many small retail and commercial units in the town centre. The submitted plans also do not show any permanent closure of Hogs Lane to vehicles.

The NPPF seeks to steer away from the setting of broad parking standards unless there is clear and compelling justification to do so. This is to acknowledge differences in site locations and varied nature of development and accessibility to public transport options. In effect the NPPF advocates a site-specific approach for a developments parking requirement when assessing the impact of development on highway safety.

The site is located within Kettering town centre, in an accessible urban location whereby alternative modes of transport to the car would be on offer and the Highways Authority have no objection or comment to this proposal. The vehicle and cycle parking provision, the latter of which also provides electric vehicle charging, is considered acceptable in this town centre location where there are a number of other public car parks in close proximity to the site. Importantly it will also not prejudice the planned highway improvements to provide two-way traffic movement on Queen Street as envisaged by policy 7 of the AAP.

The Inspector conclusions on highway elements is set out below:

6. Vehicular traffic outside the location of the proposed egress, travels one way, east to west towards Horse Market. Drivers travelling along this part of the road are generally reducing speeds as they approach the traffic-light controlled junction with Horse Market. This section of the highway is also relatively straight, and the building would be set back from it. Therefore, drivers leaving the proposed egress would have sufficient sight of vehicles approaching from the east. The egress would also be about 7m wide, enabling drivers to see pedestrians emerging from either side of it.

7. To prevent vehicles entering the proposed car park from Queen Street, 'Alligator Teeth' are to be installed along the egress. This physical feature combined with the modest size of the car park would mean that drivers of vehicles leaving this would do so cautiously and at low speeds. Also, the car parking area would accommodate a modest number of vehicles (8). This, together with the town centre location of the appeal site and its good accessibility to a range of facilities including public transport, means that the activity associated with the car park and its egress is likely to be limited.

8. In light of the above site-specific circumstances, whilst the required pedestrian and vehicular visibility splays have not been shown, the proposed egress arrangement would not unacceptably compromise the safety of pedestrians and vehicles using the highway. Consequently, the proposal would not conflict with the overarching highway safety aims of Policy 8(b) of the North Northamptonshire Joint Core Strategy 2011-2031 adopted in 2016 ('JCS').

7.5 **Flood Risk and Drainage**

When determining planning applications Policy 5 of the JCS, amongst other things, seeks development to reduce flood risk and contribute toward flood risk management.

The site is less than 1 hectare in area and is located within flood zone 1 and therefore is of low probability of fluvial flooding. The NPPF Technical Guidance states that in zone 1, developments should seek to reduce the overall level of flood risk through the layout and form of development and the appropriate application of sustainable drainage systems.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Anglian Water have however not objected to the scheme and have requested conditions for on-site foul water drainage works and a surface water management strategy should the development be approved.

7.6 **Sustainable building implications**

Policy 9 of the JCS says that all residential dwellings should incorporate measures to limit water use to no more than 105 litres per person per day and in its pre-text encourages low carbon energy development and a limited cost passive approach. To deal with the water saving matters a suitable condition could be imposed.

7.7 **Affordable Housing and Community Infrastructure**

Private sector housing of 15 or more dwellings would require 30% affordable housing provision as stated at JCS Policy 30 (d) or otherwise contribute toward off-site affordable housing.

As the proposal relates to the provision of a 'major' development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 the application would be expected to provide appropriate community infrastructure contributions that off-sets its impacts. Such contributions will usually be secured in a Section 106 Agreement.

In addition, with regards to affordable housing provision would normally be secured through a Section 106 agreement either at the site or otherwise payment in lieu will be required in association with the delivery of affordable homes elsewhere.

The applicant produced a Financial Viability Analysis to support the previous identical scheme (KET/2020/0586) which considered the impact of affordable housing and developer contributions on the scheme viability. This matter was considered in detail by the Planning Inspector.

The scheme, consistent with previous proposals on this site, has been set back from the junction of Queen Street and Horse Market providing a rounded corner to the building but importantly allows sufficient room for the two-way road improvement set out in policy 7 of the AAP. The applicants financial analysis concluded that the

scheme is not viable with the provision of affordable housing or financial contributions to community infrastructure

They have however calculated a value for the circa 28.4m² corner of the site that is not utilised to allow for the proposed widening scheme and compared this to the financial contributions requested via consultation. They concluded that the build out value of the land which is given up significantly exceeds the requested contributions and therefore have offered the land to the Council in lieu of other contributions.

The previously submitted report, was subject to an independent viability assessment as required by paragraph 3.9 of the North Northamptonshire Joint Core Strategy. The summary of the independent assessor was that the scheme has potential to support affordable housing/planning contributions. However, the appellant highlighted a number of elements within the appraisal that they disputed and set out their reasonings for the difference of approach within their statement, which was put before the Inspector.

While there were differing views and approaches to the methodology employed the findings of the viability assessment concluded that there may be limited scope for affordable housing and other planning contributions. It is anticipated that the magnitude of all contributions requested, including affordable housing, education and libraries would be of a similar magnitude to the build out value that may result from the developer setting their building back to accommodate the proposed highway improvements set out within the Kettering Town Centre Area Action Plan.

The conclusions of the Inspector, which supports the approach detailed above, are set out below. The Inspectors words also explain his reasons for refusing the previous scheme:

Land for highway improvements

9. The proposed building would be set back from the junction of Queen Street and Horse Market to provide sufficient land for the Council's planned improvements along Queens Street to accommodate two-way traffic. The appellant has agreed to convey this land to the Council for this purpose.

10. Moreover, the proposed highway improvement is one of a number of key road and junction improvements identified under Policy 7 of the of the Kettering Town Centre Action Plan 2001-2021 ('AP') which also states that developer contributions will be sought towards these improvements.

11. At the Hearing I was referred to the Kettering Town Transport Strategy, January 2015, which also identifies highway improvements along Queen Street. The Council's representative confirmed that some of the road improvements had been undertaken and others were dependant on land availability. I am also mindful that the proposal would result in some increase in vehicular and pedestrian activity in the area.

12. For the above reasons, the provision of land for highway improvements meets the tests laid out at Paragraph 57 of the Framework, 2021 and set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and therefore is appropriate.

13. The mechanism intended to secure the transfer of land for highway improvements is the submitted UU. However, whilst some details including a Title Number have been provided from HM Land Registry, there is no accompanying plan showing the extent of land ownership to which these relate to. Furthermore, although the 'Schedule' to the UU sets out the developer's obligation to transfer to the Council the land edged blue in the attached plan, on the attached plan this is not edged blue. More significantly, there is no trigger or date for when the land transfer would take place. Drawing on these reasons, I cannot be certain of the effectiveness of the UU to ensure the timely transfer of land required for highway improvements. As such, I find conflict with Policy 10 of the JCS which supports the timely delivery of infrastructure, services, and facilities necessary to meet the needs arising from the development.

Subject to an appropriate legal agreement which secures the transfer of the land for highways improvements, which is currently being checked by the Council's legal team, the scheme accords with Policy 10 of the JCS which supports the timely delivery of infrastructure, services, and facilities necessary to meet the needs arising from the development.

Crime and Disorder

Policy 8 of the JCS emphasises the importance of considering the potential for crime in planning decisions. Northamptonshire Police have raised comments about the development and have suggested a number of methods for reducing the potential for crime and anti-social behaviour within the development. It is therefore considered reasonable to impose a condition requiring the submission of a scheme of security measures to be incorporated within the development.

8. Other Matters

8.1 None

9. Conclusion / Planning Balance

9.1 The proposal would contribute 28 residential units within an accessible brownfield location that forms part of an allocated development site. The less than substantial harm to the significance of a designated heritage asset (Dalkeith Works) should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The construction of the building would derive economic and social benefits, and both the Area Action Plan and the Kettering Conservation Area Appraisal identify the site for redevelopment, to contribute to regeneration and improve the quality of the area. Accordingly, and subject to a S106 agreement which conveys land to the Council for highway improvements, the benefits of the scheme would outweigh any harm and the scheme is therefore recommended for approval.

10. Recommendation

10.1 Approve subject to conditions and the completion of a S106.

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 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 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 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.

REASON: To prevent pollution of the water environment in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

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.

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

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.

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

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.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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.

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.

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.

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

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.

REASON: To ensure that commercial activity is retained at ground floor level in accordance with policies 2 and 22 of the Kettering Town Centre Area Action Plan.

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.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

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.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

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.

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

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.

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

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.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

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.

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

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.

REASON: To improve the appearance of the site in the interests of visual amenity and to protect and enhance biodiversity in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

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).

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Joint Core Spatial Strategy 2016.

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.

REASON: To reduce the potential for crime in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

19. All windows on the Horsemarket and Queen street elevations must open inwards away from the highway.

REASON: To prevent overhanging of the public highway and the scheme to widen Queen Street as set out in policy 7 of the Kettering Town Centre Area Action Plan.

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.

REASON: To protect any pedestrians on Queens Street, and to enhance vehicular vision onto the highway in the interests of highway safety as set out in policy 8 of the North Northamptonshire Joint Core Strategy.

21. Alligator teeth enforces shall be installed within the surface level car park at the exit point of the development onto Queens Street.

REASON: To prevent direction of travel from Queens Street onto the development and in the interests of highway safety as set out in policy 8 of the North Northamptonshire Joint Core Strategy.

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.

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

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..

REASON: This is a pre-commencement condition because the waste facilities will need to be in place at the outset of the development and in the interest of public health and safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Informatives

Positive/Proactive - pre-application advice
 Radon - Protection of Dwellings Informative
 Acoustic separation (all domestic dwellings) informative
 Public Sewers

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 site and location plans		19-084-10	01/12/2021
Proposed elevations		19-084-12	01/12/2021
Proposed ground, first, second, third and fourth floor plan		19-084-11	01/12/2021
Appendix 3c, proposed site plan		19-084-04F	01/12/2021
Proposed site plan		19-084-13	01/12/2021
Proposed vehicle tracking		19-084-14	01/12/2021
Traffic plan		TMO_PL_009.Rev9	01/12/2021
Typographical Survey		200	01/12/2021
Design & Access Statement	NK/2021/0957/5		01/12/2021
Appendix 1 Appeal decision		APP_L2820_W_21_3269021	01/12/2021
Appendix 2, Common Ground KET.2020.0586	NK/2021/0957/4		01/12/2021
Appendix 3a Unilateral Undertaking	NK/2021/0957/6		
Appendix 3b Register		NN72976	01/12/2021

Photo 1, 5 Storey Perspective 1	NK/2021/0957/1		01/12/2021
Photo 2, 5 Storey Perspective 2	NK/2021/0957/2		01/12/2021
Photo 3, 5 Storey Perspective 3	NK/2021/0957/3		01/12/2021



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