

# Public Document Pack




**Meeting:** North Northamptonshire Area Planning Committee (Kettering)  
**Date:** Wednesday 15th June, 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, Fedorowycz, Jelley, Prentice, Smyth and Thurland

Substitute Members: Councillors Henson, Marks, Hakewill and Tubbs

Agenda			
Item	Subject	Officer Presenting Report	Page No
01	Apologies for non-attendance		-
02	Members' Declarations of Interests		-
03	Minutes of the meeting held on 5 <sup>th</sup> May 2022		5 - 14
Items requiring a decision			
04	<p>Applications for planning permission, listed building consent and appeal information*</p> <p>I) <b>NK/2022/0098:</b>                      Variation of conditions 1 (approved plans) and 2 (parking spaces) of KET/2016/0607 (Appearance, scale, layout and landscaping in respect of KET/2006/0541, residential development for 151 dwellings): proposed changes to house types associated with 59 homes (parcels 4A and 4B) including design and material changes and to take account of Nationally Described Space Standards and Updated Part M of the Building Regulations (disabled access and adaption).</p>	Planning Officer	17 - 32

	<p>II) <b>NK/2022/0150:</b> Full Planning Permission: Change of use from dwelling (C3) to children's care home (C2). Demolition of garage and creation of parking and works to the boundary wall</p> <p>III) <b>NK/2022/0174:</b> Full Planning Permission: Conversion of dwelling house into 2 no. flats with ground and first floor rear extensions</p>	<p>Planning Officer</p> <p>Planning Officer</p>	<p>33 – 46</p> <p>47 – 60</p>
<b>Items to note</b>			
04	<p>Delegated officers report</p> <hr/> <p>None</p>		
<b>Exempt Items</b>			
05	None Notified		
06	Close of Meeting		
	<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p><b>Proper Officer</b> <b>7<sup>th</sup> June 2022</b></p>		

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

This agenda has been published by Democratic Services.

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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 Tuesday 14 June 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 Tuesday 14 June 2022

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

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

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

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

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

At 7.00 pm on Thursday 5th May, 2022 in the Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

### **Present:-**

#### Members

Councillor Mark Rowley (Chair)  
Councillor Robin Carter  
Councillor Paul Marks  
Councillor Elliot Keith Prentice

Councillor Cedwien Brown  
Councillor Joseph John Smyth  
Councillor Kevin Thurland

### **106 Apologies for non-attendance**

Apologies for non-attendance were received from Councillors Ian Jelley, Dez Dell and Emily Fedorowycz.

It was noted that Councillors Paul Marks, Jim Hakewill and Sarah Tubbs were acting as substitutes.

### **107 Members' Declarations of Interests**

None

### **108 Minutes of the meeting held on 31st March 2022**

**RESOLVED** that the minutes of the meeting of the Area Planning Committee (Kettering) held on 31<sup>st</sup> March 2022 be approved as a correct record.

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

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

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.1 Outline Application: Outline: Erection of an industrial manufacturing and warehouse building (Use Class B2 and B8) together with ancillary office accommodation and associated access at Weekley Wood Avenue (land at), Kettering for I M Kelly Holdings Limited &amp; The Buccleuch Estates Limited</p> <p>Application No: KET/2020/0303</p> <p><u>Speaker:</u></p> <p>Adam Riley attended the meeting and addressed the committee as a third party objector to the proposed development raising issues associated with an inadequate ecological assessment which failed to locate a number of different breeds on the site included amber listed and red listed birds. Mr Riley also raised concerns regarding the presence of great crested newts and asked for the proposed development to be deferred or refused.</p> <p>Frankie O'Dowd attended the meeting and addressed the committee as a third party objector to the proposed development stating that the application should have been refused in the best interest of local people. Reference to a petition with 20,000 signatories was made in objection to the proposed development. Objections were also raised due to an inadequate ecological survey and due to the absence of a masterplan and that a major percentage of the site was outside of the Kettering North allocation. Concerns were also raised as the application was in contravention of Policy 4 of the Joint Core Strategy.</p> <p>John Padwick attended the meeting and addressed the committee as a third party objector to the proposed</p>	<p>Members received a report about a proposal for which outline planning permission was being sought for the erection of an industrial manufacturing and warehouse building (Use Class B2 and B8) together with ancillary office accommodation and associated access.</p> <p>The Planning officer addressed the committee and provided an update which stated that an additional third party objection had been received which in summary related to matters of policy (including coverage of the site by local and strategic policies) and the lack of a masterplan.</p> <p>Member heard that the majority of the site (approximately 91%) was covered by the JCS Policy 36 allocation. However, the application site, as a proportion of the overall allocation (40 hectares), represented around 4% of it which was relatively minimal. As the report stated the Masterplan was coming forward as part of a wider application for Kettering North. Approval of this current application will not prejudice that Masterplan or future development being appropriately planned.</p> <p>There is an overlap between the Safeguarded Employment Area (Policy EMP1) of the Part 2 Local Plan and the JCS Policy 36 allocation. The majority of the application site is within the Safeguarded Employment Area with only approximately 2.8% of the site being outside of it.</p> <p>It was also noted that there had been another third party objection received. Most of the comments are already detailed in section 5.2 of the original committee report and considered as part of the officer's assessment.</p>

development stating that a comprehensive masterplan was needed and agreed by the Local Planning Authority and that there had been no progress since the item was deferred in August 2021. It was stated that the proposed development should be refused or deferred.

Chris Carlisle attended the meeting and addressed the committee as the agent on behalf of the application stating that the proposed development would benefit the local economy by employing an additional 150 employees which included a mix of warehouse, production and office staff. It was stated by the agent that the site was allocated for employment use and that there was an up to date ecological assessment including increased ecological mitigation which had been accepted by the local authority's ecological advisor.

Following the officer update members raised concerns regarding the lack of a masterplan as outlined with public speakers, members also raised concerns regarding adequacy of the ecological survey of the site. It was noted by members that the masterplan was coming forward as a wider application.

Members also raised concerns regarding the lack of progress from the previous deferral and also raised questions regarding the S106 agreement. Officers confirmed no mitigation had yet been delivered in connection with the existing S106 but there remains time to do this under the wording of that agreement.

It was heard by members that the majority off offsite mitigation was secured by S106 and the rest was to be delivered onsite.

Members sought clarification regarding the Local Ecological Management Plan (LEMP). It was confirmed to members that a LEMP would be conditioned as part of the proposed development.

Following debate it was proposed by Councillor Hakewill and seconded by Councillor Prentice that the application be deferred due to the absence of a masterplan for North Kettering.

Members voted on the motion to defer the application:

For 3 ; Against 5

The motion was therefore lost. Members then sought clarification regarding additional conditions for fire hydrant infrastructure and mitigation for the protection of hedgehogs, badgers and other mammals from being trapped in open excavations, pipes or culverts

Following debate it was proposed by Councillor Smyth and seconded by Councillor Marks that the application be

	<p>approved in line with the officer's recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to the following conditions:</p>
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1. This is a grant of outline consent only and before the development is commenced details of the appearance, landscaping, layout, and scale of the proposal (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. Any reserved matters application for landscaping shall be accompanied by details of any existing hedgerows, trees and any other landscaping to be retained or removed. Any reserved matters application for landscaping, and/or which includes landscaping, shall also be accompanied by all details required pursuant to condition 20 of this outline planning permission.
6. This permission relates to the originally submitted details and specification and to drawings,  
Location Plan, Plan Reference : 1328-1000 received 28.05.2020  
Proposed Car Park access plan, Plan Reference 1328-1002 received 28/05/2020  
Flood Risk and Drainage Strategy , Reference 19-080-MK received 01/10/2020,  
Travel Plan received 07/05/2020,  
Transportation Assessment received 07/05/2020
7. The site shall not be occupied until such time as the site access hereby approved as detailed on the proposed car park access drawing (Ref: 1328-1002) received 28/05/2020 has been fully formed. Prior to the formation of the site access full engineering, construction and drainage plans which include any on and off-site works (including pedestrian and cycle crossing) shall be submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with the approved plans.
8. No development shall commence until an amended Access Management Plan has been submitted to and approved in writing by the Local Planning Authority regarding the shared access between the existing and the proposed manufacturing facility. The amended Access Management Plan shall include measures to ensure that any potential conflict between service and staff vehicles



is appropriately managed and that HGVs do not enter/exit at the same time, reporting of this information to the Local Highways Authority and the mechanisms should the measures be breached.

9. 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, 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.
10. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details. The approved boundary treatment shall be retained as such thereafter.
11. No development above slab level shall commence until details of a positive means of drainage to ensure that surface water from the vehicular access, or private land, does not discharge onto the highway shall be submitted to and be approved in writing by the Local Planning Authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.
12. 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.
13. No construction, deliveries of plant and materials for construction shall occur outside of the following times. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and subcontractors.
14. Prior to the commencement of development a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.
15. 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.

16. No above ground development shall take place until full details of the surface water drainage scheme for the site, based on the Flood Risk Assessment & Drainage Strategy ref. no. 19-080 IMK, dated 30th September 2020 prepared by Bradbrook Consulting Ltd have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. These shall include:
  - a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
  - b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
  - c) Details of proposed overland flood flow routes in the event of system exceedance or failure (to include depth volume and direction), with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites
  
17. No development above ground shall take place until 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; and details of expected design life of all assets with a schedule of when replacement assets may be required.
  
18. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment & Drainage Strategy ref. no. 19-080 IMK, dated 30th September 2020 prepared by Bradbrook Consulting Ltd has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority. The report shall include:
  - a) Any departure from the agreed design is keeping with the approved principles
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  - e) CCTV confirmation that the system is free from defects, damage and foreign objects.
  
19. No development above slab level shall commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning

Authority. No occupation shall take place until the works have been carried out in accordance with the approved foul water drainage scheme.

20. Prior to commencement of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. It must deliver a minimum of 0.8 biodiversity units. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
21. Prior to occupation of the development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following.
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

22. Any works in connection with the development hereby approved that would involve the creation of trenches or culverts or the presence of pipes shall include measures to protect hedgehogs, badgers and other mammals from being trapped in open excavations, pipes or culverts. The measures shall include:
  - a) Open trenches or pits shall incorporate sloping escape ramps, which may be achieved by edge profiling of trenches/excavations or by using planks placed in them at the end of each working day; and
  - b) All open pipework (stored or laid) being blanked off at the end of each working day.The development shall be carried out in complete accordance with the above mammal protection measures.
23. 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.

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

*(Voting: For 5; Against 3)*

*It was noted Cllr Hakewill voted against the officer's recommendation to approve the application*

*The application was therefore*

**APPROVED**

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.2 Full Planning Permission: One and a half storey rear extension, additional window on gable ends/ground floor East elevation and rooflight to front. Outbuilding at Spring Cottage, 18 Geddington Road, Grafton Underwood for Mrs S Haynes</p> <p>Application No: NK/2022/0084</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 a one-and-a-half storey rear extension, the addition of window at first floor level on the side (northeast and southwest) elevations and at ground floor level on the side (northwest) of the existing dwellinghouse, and the insertion of a roof light in the front (northwest) roof plane..</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 Hakewill and seconded by Councillor Marks that the application be approved in line with the officer’s recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.
4. The rooflights hereby approved shall be Conservation roof lights to match, in type, colour and texture, those Conservation roof lights on the existing building.

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

*(Voting: Unanimous)*

*The application was therefore*  
**APPROVED**

**112 Delegated Officers Report**

None

**113 Exempt Items**

None

**114 Close of Meeting**

The meeting closed at 8.30 pm

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Chair

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Date

**North Northamptonshire Area Planning Committee  
(Kettering)  
Wednesday, 15 June, 2022 at 7.00pm  
Council Chamber, Municipal Office**

### **INDEX**

<b>Application</b>	<b>Location</b>	
NK/2022/0098	Phase 4, Westhill (land at), Kettering	4.1
NK/2022/0150	94 Finedon Street, Burton Latimer	4.2
NK/2022/0174	32 Havelock Street, Kettering	4.3

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## North Northamptonshire Area Planning (Kettering) Committee 15/06/2022

Application Reference	NK/2022/0098
Case Officer	Sean Bennett
Location	Phase 4, Westhill (land at), Kettering
Development	s.73 Application: Variation of conditions 1 (approved plans) and 2 (parking spaces) of KET/2016/0607 (Appearance, scale, layout and landscaping in respect of KET/2006/0541, residential development for 151 dwellings): proposed changes to house types associated with 59 homes (parcels 4A and 4B) including design and material changes and to take account of Nationally Described Space Standards and Updated Part M of the Building Regulations (disabled access and adaption). Changes also include more space for the existing landscape, which has matured since the original approval, and makes more allowance for the drainage ditch on the northern boundary.
Applicant	Mr J Griffiths Tilia Homes
Agent	Mr J Griffiths Tilia Homes
Ward	St. Peters
Overall Expiry Date	20/05/2022
Agreed Extension of Time	17/06/2022

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

This application is brought to committee because the Town Council has a material written objection

### 1. Recommendation

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- 1.1 That planning permission be GRANTED subject to conditions

## 2. The Proposal

- 2.1 s.73 Application: Variation of conditions 1 (approved plans) and 2 (parking spaces) of KET/2016/0607 (Appearance, scale, layout and landscaping in respect of KET/2006/0541, residential development for 151 dwellings): proposed changes to house types associated with 59 homes (parcels 4A and 4B) including design and material changes and to take account of Nationally Described Space Standards and Updated Part M of the Building Regulations (disabled access and adaption). Changes also include more space for the existing landscape, which has matured since the original approval, and makes more allowance for the drainage ditch on the northern boundary.
- 2.2 Following comments received and Officer advice the original submission was subject to minor amendments to the layout and house design. The below reflect those changes and the proposal is considered based on these amendments.
- 2.3 The proposal consists of the following open market house types:

Open Market Accommodation Schedule							
	Housetype	Sqft/type	Sqm/type	No. of Plots	no. of Beds	Storey	Total Sqft
PRIVATE PLOTS	MAIS GF	546	50.76	3	1 Bed	2	1638
	MAIS FF	608	56.55	3	2	2	1824
	HINTON	704	65.40	6	1+study	2	4224
	ROSEDENE	749	69.58	22	1+study	2	16478
	BRADLEY	774	71.91	1	2	1	774
	ALDERLEY	872	81.01	4	2+study	2	3488
	BEMBRIDGE	930	86.40	9	2+study	2	8370
	DERWENT	962	89.37	5	2+study	2	4810
	DUNSTABLE	963	89.46	1	2+study	2	963
	MELFORD	999	92.81	3	2+study	2	2997
	ALFRISTON	1109	103.03	2	3+study	2	2218
<b>TOTAL</b>				59			47784

## 3. Site Description

- 3.1 The site is part of a wider development toward the eastern extent of the Town served off Northampton Road that commenced some years ago and is nearing its final stages, with this immediate parcel (4A and 4B) consisting of one of the last parcels to be delivered.
- 3.2 The wider scheme approved in Outline under KET/2006/0541 proposed 460 dwellings at 40 dwellings per hectare, a local centre of 0.3 hectares of land for retail, community, and health uses, 10.4 hectares of land for open space and 1.1 hectares of land to facilitate a new primary school. Much of the housing, including a care home have been built and occupied together with the provision of a play area, a large area of open space along the A14 edge and water attenuation measures. The local centre, which is proposed close to Northampton Road and the Primary School have yet to be built, although space remains available for those and with respect to the School a 'land-transfer' mechanism to enable that to come forward by the local

education authority, when required, is in place within the secured financial agreement.

- 3.3 The immediate site is toward the northern extent of the wider development with its approach roads progressing with the site being prepared for development. To the east is the established 'Wren Spinney School' and the rear boundaries of three dwellings fronting Gipsy Lane.
- 3.4 To the south is the land associated with the proposed Primary School site and to the west is another parcel of residential development that is being progressed with a linear area of open space and the A14 carriage way beyond.
- 3.5 To the north is farmland, which has recently been granted full planning permission for 340 homes under KET/2020/0773 and notably includes provision of a vehicular link to this proposal off the T-stub toward the sites north-western edge. There is also a Gas Compound to the north-east.

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

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- 4.1 KET/2006/0541 – Outline Application - Residential development, District Centre, School and Public Open Space – APPROVED – 23/08/2013
- 4.2 KET/2016/0607 - Approval of Reserved Matters - Appearance, scale, layout, and landscaping in respect of KET/2006/0541, residential development for 151 dwellings – APPROVED – 20/03/2017

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

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

##### **5.1 Town Council:**

Original objection comments:

*'The Council is of the view that the applicant has sought to reduce the space provided for parking, by artificially reducing the actual number of bedrooms in each property with the inclusion of a "study" which will in reality [could] be used as a bedroom by occupiers. This is simply going to store up medium and long term problems for the public realm on this development and create a poorer quality of life. The Council fully supports the comments of the highway authority.'*

*The development proposals also fail on a number of other fronts:*

- EV charging points
- The overall size of the units proposed
- Energy efficiency measures
- Mitigation for loss of habitat'

Following amendments and an applicant response to the above Town Council comments the Town Council returned the following maintained objection comments:

*'We note the observations made by the developer about the Town Council's last set of comments, and would point out in response, that the under provision of parking for each unit would in fact lead to a more car dominated development as residents would leave their cars on street in ways which blocked movement by pedestrians and cyclists and caused ongoing environmental damage to verges, highways and planting.*

*The minor changes made to the application, such as the retention of planting on the south eastern corner of the development were noted and supported. However, the development continues to fail on all the points made in the Council's previous submission, so the Council's objection is maintained.*

*In addition, the Council remained concerned that too many units were relying on one point of access and egress from the development.'*

5.2 Neighbours / Responses to Publicity

No comments received at the time of writing this report

5.3 NNC - Local Highway Authority (LHA): Provide the following observations:

*'1. The footway wrapping around the turning head adjacent to the northern boundary should be 2m wide.*

*2. The adoptable shared surface requires a carriageway width of 4.8m and 1.5m service strip around its perimeter with 20mm kerb upstand (all block paved). The southern most of these does not accord. The 2m footway only needs to extend 2m beyond the ramp before the service strip commences.*

*3. The adoptable shared surface to the north-east serves more than 20 dwellings.*

*4. Opposite plot 444, the service strip is required to wrap around the carriageway with the footpath joining onto it.*

*5. Roads should be tracked with a 4-axle refuse vehicle opposing a large private car.*

*6. Pedestrian crossing points must be provided at all new junctions consisting of two dropped kerbs and two tapered kerbs. To be provided in accordance with the LHA's approved details. The colour must be buff.*

*7. The boundary treatments as shown on plan (JIG024-127) are reasonable.*

*8. The single garage shown in the garage plan (JIG024-250) requires a minimum internal length clear of piers/openings of 6m in line with the LHA Standing Advice (2016).*

*9. There continue to be instances whereby drives in dual ownership between two dwellings e.g. 407/408 which are less than 6.6m wide between each dwelling wall.*

10. *It is noted from the email that previous/different parking requirements may have been agreed at earlier stages, which do not appear to align with current requirements as per Northamptonshire Parking Standards (2016).*

11. *As detailed in the LHA's previous response, there are several dwelling types with studies which can and often are used as bedrooms which can exacerbate car parking requirements.*

12. *No visitor parking is detailed. Visitor parking is required at 0.25 spaces/dwelling.*

13. *The LPA should take a view with regards to the provision of electric vehicle charging facilities.'*

5.4 Northamptonshire Police: Provide the following comments:

*Northamptonshire Police have the following comments, which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring. This is in the interest of the security and quality life of future occupants of the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.*

- *When the lighting scheme has been produced it is important that as well as adopted areas being considered that unadopted areas are similarly treated for safety and security reasons. Private driveways must have some street lighting and a lux plan for these areas should be supplied. The uniformity levels (consistent lighting, no very bright or very dark patches) should be no lower than 0.25lux on the private roads. This will prevent residents from installing their own light sources which are often bright, angled PIR lighting. These cause areas of bright light and very dark area and increase fear of crime. These also cause neighbour disputes and can be harmful to the local wildlife and the dark sky agenda.*
- *Plots 370, 371, 404-413,414-420, 426-432: Where side tandem parking is positioned between two dwellings there should be some meaningful surveillance from 'active' rooms i.e. living room or kitchen from at least one of the dwellings adjacent to the parking.*

5.5 NNC – Environmental Protection: Say: *'no objections to the proposed change of house types and site layout provided that the existing Condition 4 (KET/2016/0607) regarding noise mitigation measures is complied with.'*

5.6 NNC – Developer Contributions: State: *'no comments'* although note that: *'... the inclusion of offices or studies in the layouts which often have a tendency to end up being used as bedrooms, especially where they are on the first floor. This obviously has potential to impact significantly on pupil yields – if for example a 2 bed home ends up being a 3 bed when it comes to occupation...'*

5.7 National Highways: State *'no comment'* in their response

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

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### **6.1 Statutory Duty**

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

### **6.2 National Policy**

National Planning Policy Framework (NPPF) (2021)

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

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

1. Presumption in favour of sustainable development
4. Biodiversity
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

### **6.4 Kettering Site Specific Part 2 Local Plan (SSP2LP)**

LOC1 – Settlement Boundaries

HOU1 – Windfall and infill development principles of delivery

## **7. Evaluation**

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The key issues for consideration are:

- The principle of the development
- Impact on character and appearance
- Impact on residential amenity
- Impact on highway safety
- Sustainable building implications
- Housing type
- Community infrastructure
- Other matters

### **7.1 The principle of the development**

7.1.1 The principle of development has been established by extant planning permissions.

## 7.2 Impact on character and appearance

7.2.1 Policy 8(d) of the JCS and HOU1 of the SSP2LP, consistent with chapter 12 of the NPPF seeks development to respond to local character and wider context.

7.2.2 The site is read in the context of the wider development. Whilst the house types proposed and the layout are changing from that approved, by themselves the changes are relatively minor although are not suitable for consideration under a non-material amendment application, when considered as a whole.

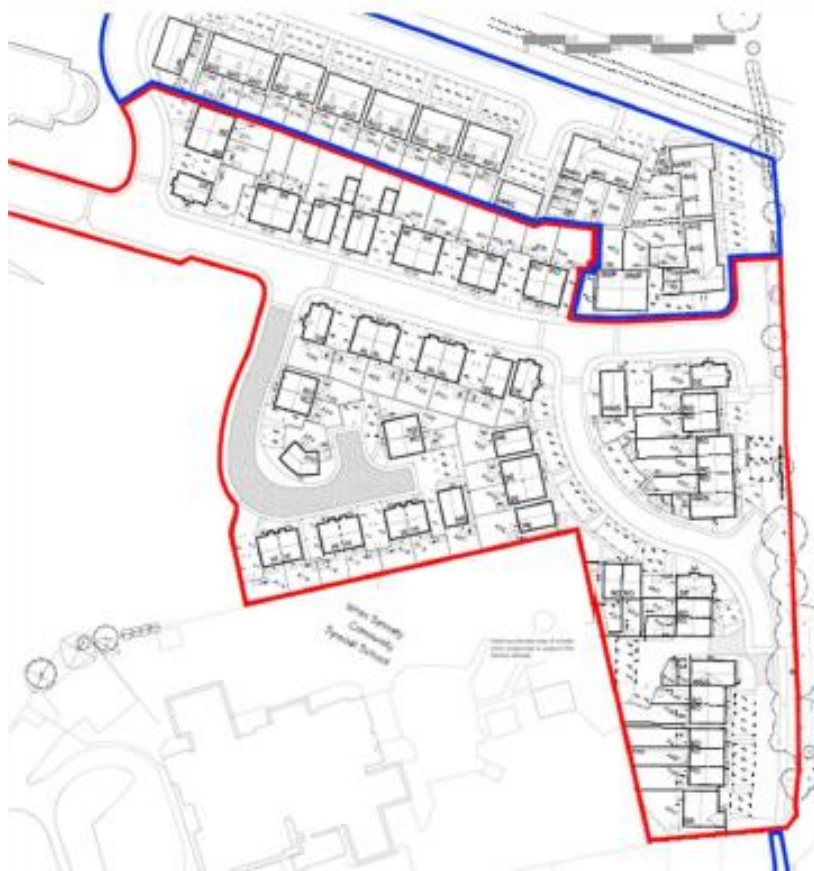
7.2.3 Nevertheless, the changes are broadly consistent with the approved design code for the development and reflect the general design typologies associated with the wider site, with some variations to design welcomed to create character areas across the site rather than being seen in one design style.

7.2.4 It is accepted that the development is fairly car dominant particularly along the curved section of highway, however this arrangement together with most of the layout is unchanged from the extant approval. To assist understanding please find below the approved layout followed by the proposed:

7.2.5 Approved:



7.2.6 Proposed:



7.2.7 In terms of the Police comments, the location and nature of the lighting on the highway will be progressed through adoption processes, however given that there is a significant stretch of private road requiring proposed details of the lighting by condition is reasonable.

7.2.8 In terms of the surveillance of car parking, whilst the small number of parking spaces indicated by the Police may not have surveillance from the associated dwelling via a habitable room window, they are overlooked by landing and WC windows and from other houses. This arrangement is acceptable to discourage crime.

7.2.9 An increase to the extent of landscaping toward the sites north-east corner is welcome to provide a greener appearance to that edge of the development, which provides access to a footpath through to Gipsy Lane and has the benefit of further concealing the Gas Compound.

7.2.10 As such the proposal is considered to result in minor betterment to the approved design aspects of the consented extant scheme and is acceptable in this regard.

**7.3 Impact on residential amenity**

7.3.1 Policy 8(e) of the JCS and HOU1 of the SSP2LP, consistent with paragraph 130(f) of the NPPF seeks development to ensure residential amenity.



- 7.3.2 In terms of future occupiers' amenity, the proposal provides adequate internal and external space consistent with national space standards whilst also complying with Building Regulations, Part M, Category 2 standards which make it easier for the disabled to access the home and adapt it if required. The extant consented scheme does not always comply with these standards, having been determined at a different time, and therefore the proposal constitutes an improvement to future occupiers' amenity and the adaptability of the houses.
- 7.3.3 The dwellings are appropriately orientated and sited to avoid adverse impact on existing neighbours and each other.
- 7.3.4 The noise mitigation condition (4) attached to the existing permission and cited by the Council's Environmental Protection Officer shall be repeated for this proposal.
- 7.3.5 As a result, the proposal would provide appropriate standards of living for future occupiers and their neighbours.
- 7.4 Impact on highway safety**
- 7.4.1 Policy 8 (b) of the JCS consistent with chapter 9 of the NPPF seeks development to ensure satisfactory means of access and parking provision and resist development that would prejudice highway safety.
- 7.4.2 The proposal provides 114 (2 garage) parking spaces, which equates to approximately two spaces per dwelling with the one-bed units having one space each and the three-beds having three (one garage) spaces available. Most dwellings will have two off-road parking spaces which is appropriate for the one and two bed (with studies) dwellings. The streets will be able to accommodate some parking in a manner consistent with normal street parking arrangements elsewhere. These provisions are adequate.
- 7.4.3 Comparing the proposed and existing layouts above together with the amount of parking. The arrangements are broadly the same and the applicant has made some minor changes following initial highway comments, such as increasing footway widths, gaps between parking spaces and their dimensions. As such the changes result in minor improvements to the consented scheme. Whilst the Local Highway Authority retain residual 'observations' there is no indication that highway safety is compromised, especially as a slightly worsened layout would come forward as a fall-back if delivering the extant proposal.
- 7.4.4 As a result, the proposal is considered to provide sufficient parking, including two covered cycle parking spaces per dwelling, and safe arrangements for highway users.
- 7.5 Sustainable building implications**
- 7.5.1 Whilst the buildings do not propose energy efficiency measures, above building regulations, it is reasonable to impose a condition requiring the houses to be constructed to limit water usage to no more than 105 litres/person/day by condition

consistent with policy 9 of the JCS. This therefore together with the intention to construct to national space standards and to improve disabled accessibility is betterment over the extant permission.

7.5.2 The proposal fails to provide electric vehicle charging points, which is to its disbenefit, and whilst this is not required by local policy it is encouraged within the NPPF and is an approach that the Council tend to be delivering on schemes as a percentage. As such the lack of such facilities is a failure of the proposal. However, in this case the fall-back position would not require any such infrastructure and therefore in this case the lack of the charging points is not determinative.

7.5.3 As such the proposal is acceptable in this regard.

## 7.6 **Housing type**

7.6.1 The proposal relates to a portion of the wider sites market homes with the 30% affordable being delivered in other parcels across the whole development. This ensures a good mix of tenure. The proposed dwellings have a good range of one to three bed dwellings with variances in sizes including maisonettes and a bungalow.

7.6.2 As has been noted by the Town Council and other consultees many of the units include a 'study', in some cases they could be used as a small bedroom suitable for a child and in other cases they are not likely to be used for that purpose due to their internal constraints. They do however offer a flexible room, which notably can be used as a home-office with homeworking becoming a more common practice of late. The ramifications of this to financial contribution provisions shall be discussed below.

7.6.3 As such and as the proposed home sizes are comparable to those approved in the extant permission the proposed housing type, mix and tenure are acceptable.

## 7.7 **Community infrastructure**

7.7.1 The contributions secured for the scheme were agreed in a legal agreement associated with the Outline permission KET/2006/0541 and therefore that application should be referred to for full details.

7.7.2 There is however an implication to the amounts collected in the legal agreement associated with this application, which was picked up by the Council's Developer Contribution department, because of the provision of the studies and the fact that they could be used as bedrooms. The applicant has dealt with this matter by stating *'I can confirm that we will treat any unit identified with a study as being a bedroom as far as the S106 monies are concerned and therefore the payments will remain as agreed particularly for the education contribution.'*

7.7.3 As such the proposal would not have implications to the contributions being sought.

## 7.8 **Other matters**

- 7.8.1 The proposal would not have any implications to biodiversity, drainage or any other technical matters with any implications and measures for these impacts being addressed through safeguards and provisions associated with the outline approval.
- 7.8.2 The Town Council mention that they are concerned about the single point of access to the development. Whilst this is an existing situation associated with the wider permission that cannot be influenced by this application it is noted that an access will come forward at some point in the future associated with the consented development to the north which will provide accessibility from this site to Gipsy Lane when complete and therefore deliver the alternate access envisaged by the Town Council.

## **8. Conclusion / Planning Balance**

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- 8.1 The proposal may fall slightly below the standards of reserved matter applications being considered today – such as the lack of electric vehicle charge points. However, overall, it represents an improvement on the current permissions arrangements, especially with respect to future occupier's internal space and an area of additional landscaping. This improvement would not be realised through the current fall-back position through implementation of the extant consented scheme. As such the proposal is acceptable and consistent with the Development Plan.

## **9. Recommendation**

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- 9.1 Approved subject to conditions.

## **10. Conditions**

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1. 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.
2. No works shall take place above slab level until full details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out other than in accordance with the approved details and remain in place for the duration of the development.  
REASON: In the interests of visual amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
3. All of the dwellings shall be constructed to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);  
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 Strategy.
4. The noise mitigation measures outlined in Section 6, page 3 of the technical note reference 4501 written by WBM Acoustic Consultant, Dr Robert Storey dated

9 August 2016 shall be carried out in full before occupation of the residential units and remain in place for the duration of the development.  
 REASON: In the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## 11. Informatives

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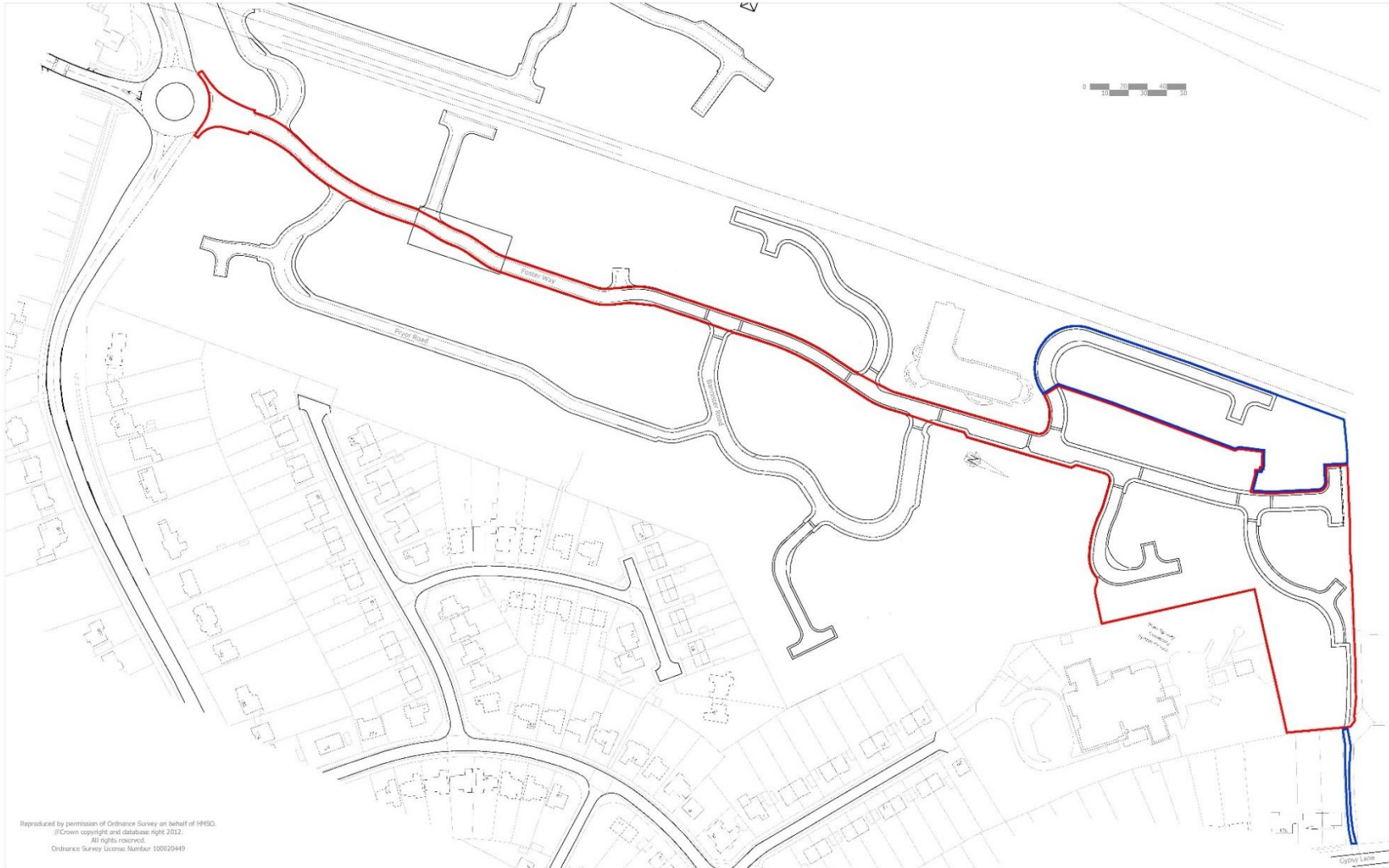
Positive/Proactive - amendments  
 ARM to be read with outline planning permission  
 List of plans

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
Design Statement Parcels 4A & 4B	NK/2022/0098/1		18/02/2022
Planning layout		JIG024-022B	14/04/2022
Location plan		JIG024-120A	18/02/2022
Character Area		JIG024-122B	28/04/2022
Parking Dispersion		JIG024-123B	28/04/2022
Storey Height Dispersion		JIG024-124B	28/04/2022
Materials		JIG024-125C	28/04/2022
Refuse Storage Collection		JIG024-126B	28/04/2022
Boundary Treatment		JIG024-127B	28/04/2022
Presentation Layout		JIG024-150A	28/04/2022
Street Scenes		JIG024-152	08/02/2022
Proposed elevations Alderley Avenue		JIG024-201A	28/04/2022
Proposed ground/first floor plans Alderley Avenue		JIG024-202A	28/04/2022
Proposed elevations Alfriston Avenue		JIG024-203A	28/04/2022
Proposed ground/first floor plans Alfriston Avenue		JIG024-204A	28/04/2022
Proposed elevations Bembridge Avenue		JIG024-205A	28/04/2022

Proposed elevations, detached Bembridge Avenue		JIG024-206A	28/04/2022
Proposed elevations Bembridge Lanes		JIG024-207A	28/04/2022
Proposed ground/first floor plans Bembridge		JIG024-208A	28/04/2022
Proposed ground/first floor plans Detached Bembridge Avenue		JIG024-209A	28/04/2022
Proposed elevations Bradley Mews		JIG024-210A	28/04/2022
Proposed ground floor plan Bradley Mews		JIG024-211A	28/04/2022
Proposed elevations Semi Derwent Mews		JIG024-212A	28/04/2022
Proposed elevations Derwent Avenue		JIG024-213A	28/04/2022
Proposed ground/first floor plans Derwent Avenue		JIG024-214A	28/04/2022
Proposed ground/first floor plans Semi Derwent Mews		JIG024-215A	28/04/2022
Proposed elevations Dunstable Mews		JIG024-216	08/02/2022
Proposed ground/first floor plans Dunstable Mews		JIG024-217A	28/04/2022
Proposed elevations Hinton Mews		JIG024-218A	28/04/2022
Proposed ground/first floor plans Hinton Mews		JIG024-219A	28/04/2022
Proposed elevations Melford Lanes		JIG024-220A	04/05/2022
Proposed ground/first floor plans Melford Lanes		JIG024-221A	28/04/2022
Proposed elevations Rosedene Mews		JIG024-222A	28/04/2022
Proposed elevations Rosedene Avenue		JIG024-223A	28/04/2022
Proposed ground/first floor plans Rosedene		JIG024-224A	28/04/2022
Proposed elevations Detached Maisonette Avenue		JIG024-225A	28/04/2022
Proposed ground/first floor plans Detached Maisonette Avenue		JIG024-226A	28/04/2022
Proposed elevations Semi Maisonette Mews V1		JIG024-227A	28/04/2022

Proposed ground/first floor plans Semi Maisonette Mews V1		JIG024-228A	28/04/2022
Proposed elevations Semi Maisonette Mews V2		JIG024-229A	28/04/2022
Proposed ground/first floor plans Semi Maisonette Mews V2		JIG024-230A	28/04/2022
Proposed elevations Melford Mews		JIG024-245A	04/05/2022
Proposed elevations and floor plan, garages		JIG024-250	08/02/2022
Covering Letter	NK/2022/0098/2		18/02/2022
Covering e-mail			14/04/2022
Covering letter dated 3 May 2022			04/05/2022



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Rev.	Description.	By.	Date.
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Project No	JIG024	Drawing No	120	Revision	A		

Project  
Westhill, Kettering  
Drawing Title  
Location Plan



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## North Northamptonshire Area Planning (Kettering) Committee 15/06/2022

<b>Application Reference</b>	NK/2022/0150
<b>Case Officer</b>	Louisa Johnson
<b>Location</b>	94 Finedon Street, Burton Latimer
<b>Development</b>	Full Planning Permission: Change of use from dwelling (C3) to children's care home (C2). Demolition of garage and creation of parking and works to the boundary wall
<b>Applicant</b>	Homes2Inspire
<b>Agent</b>	Mr J Thompson Lichfields
<b>Ward</b>	Burton Latimer
<b>Overall Expiry Date</b>	13/05/2022
<b>Agreed Extension of Time</b>	06/06/2022

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 there are unresolved, material objections to the proposal.

#### **1. Recommendation**

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1.1 That planning permission be GRANTED subject to conditions.

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

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2.1 Full Planning Permission: Change of use from dwelling (C3) to children's care home (C2). Demolition of garage and creation of parking and works to the boundary wall.

### **3. Site Description**

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- 3.1 The site is a detached two storey dwelling with single storey annex, garage and off road parking on Finedon Street, Burton Latimer.
- 3.2 The main house has four bedrooms including one with en-suite; the annex has one bedroom.
- 3.3 The property has an integral garage and a detached garage to the side of the main house and parking for two / three cars on the driveway at the front of the property. There are no parking restrictions in the area.
- 3.4 Site Constraints:  
Burton Latimer Conservation Area and Nene Valley NIA Boundary.

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

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- 4.1 List all previous planning applications as follows:

KET/2011/0803 – Renewal of extenat permission: KET/2008/0774 (Demolition of dwelling and commercial buildings. Construction of 12 no. apartments including vehicular access – Refused 27/01/2012

APP/L2820/A/12/2176567/NWF - KET/2011/0803 – Renewal of extant permission: KET/2008/0774 (Demolition of dwelling and commercial buildings. Construction of 12 no. apartments including vehicular access – Allowed 07/11/2012

KET/2011/0472 - Demolition of dwelling and commercial buildings. Construction of 14 no. apartments – Refused 16/12/2011

KET/2008/0774 - Demolition of dwelling and commercial buildings. Construction of 12 no. apartments including vehicular access – Approved 08/12/2008

KET/2007/0950 - 12 no. one and two bedroom apartments. Vehicle access, parking and amenity areas. Demolition of existing dwelling and commercial buildings - Refused 11/01/2008

### **5. Consultation Responses**

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

- 5.1 Burton Latimer Town Council

No objection subject to:

Resident have raised concerns re lighting and noise in the car park at unsociable hours due to shift changes. Would like to see provision for minimum disturbance. Security issues raised on old fencing and leylandii. Neighbours driveways should not be obstructed.

- 5.2 Neighbours / Responses to Publicity

7 letters of objection have been received. The issues raised are summarised below:

*Parking and Highway Matters*

The proposal would worsen parking congestion on the street. Even if staff parking is made on site often temporary staff do not use this, this already happens in duke street supported living area causing residents parking problems to escalate. Deliveries and visitors would contribute to this even if all staff park on-site.

Parking currently is dangerous with the T Junction of Alexandra Street a blind pull-away for motorists exiting Alexandra onto Finedon Street.

When the wall and illegal garage are demolished there will be less parking for the current residents.

With regards to the front access being stopped up and the current white line being changed and raised kerb, this is also the driveway entrance for 100 Finedon Street. Both the white line and the dropped kerb relate to no. 100 as well as no.94 and we want that to remain for our property as it is. Removing it will cause us difficulty in getting onto this driveway when needed.

*Amenity*

Concerns regarding loss of amenity due to noise and disturbance from shift changes / vehicles moving late at night, and the use of the site.

Security concerns due to proximity of parking area to gardens of neighbouring properties.

Construction/demolition works – works should only be carried out during normal working hours to prevent a loss of amenity to residents.

Issues with the Leylandi Trees which surround this property constantly over the years have blocked daylight from 82 Alexandra Street. The fence is also poorly maintained and will cause security issues if not resolved.

The sewers and drains are in a poor condition with blockages occurring frequently so the added occupancy of this dwelling will only overload them even more.

5.3 Local Highway Authority (LHA)

No objection subject to the following comments:

The stopping up of the existing access in the southwest corner, reinstatement of the footway and full height kerbing and proposed 6m crossover access will be subject to a minor s278 agreement with the LHA. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contractor, who has the required and necessary public liability insurance in place. Further details regarding the costs and requirements associated with this agreement can be obtained from the Section 278 Team at Northamptonshire Highways (section278.ncc@westnorthants.gov.uk), however the agreement cannot be entered into until planning consent is granted.

Any alterations to the H-bars on Finedon Street in light of the proposed changes to the accesses, they will need be subject to a TRO. The following link should provide further information as regards the Council's procedures for TROs Request for new parking restrictions - Northamptonshire Highways.

Following the reasoning, clarification of staff numbers on site at any one time and existing parking practices to be utilised at this new site, the LHA do not feel a Parking Beat Survey is necessary.

The LHA would suggest the application is conditioned to provide a demolition and construction management plan should the LPA be minded to approve it.

- 5.4 Environmental Health  
No objection

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

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- 6.1 Statutory Duty  
Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 National Policy  
National Planning Policy Framework (NPPF) (2021)  
Section 2. Achieving sustainable development  
Section 5 – Delivering a sufficient supply of homes  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport  
Section 12. Achieving well-designed places
- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)  
Policy 1- Sustainable Development  
Policy 2 - Historic Environment  
Policy 8 –Place shaping principles  
Policy 28 - Housing requirements  
Policy 29 – Distribution of new homes  
Policy 30 – Housing mix and tenure
- 6.4 Site Specific Part 2 Local Plan  
LOC1 – Settlement Boundaries
- 6.5 Other Relevant Documents  
The Equalities Act (2010) Section 149 created the public sector equality duty which requires public authorities to have due regard where there are equality implications arising from a proposal in the determination of the application.

## 7. Evaluation

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The key issues for consideration are:

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

### 7.1 Principle of Development

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As detailed above, the Development Plan consists of the North Northamptonshire Joint Core Strategy (JCS) and the Saved Policies of the Local Plan.
- 7.1.2 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development. In this case the relevant part of paragraph 11 is c) which states that for decision taking this means *“approving development proposals that accord with an up-to-date development plan without delay.”*
- 7.1.3 The site is located within an established residential area in Burton Latimer. The settlement boundary was defined through the Site Specific Part 2 Local Plan December 2021. Policy LOC1 – Settlement Boundaries defines the extent of the settlement boundary and supports housing development within it. Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to the existing market towns to support regeneration and local services, and encourage the re-use of previously developed land and buildings in the growth towns.
- 7.1.4 Policies 28-30 of the North Northants Joint Core Strategy (NNJCS) allow for the creation of sustainable, inclusive and mixed communities delivering housing for the different groups within the communities.
- 7.1.5 The Town & Country Planning (Use Classes) (amendment) (England) Order 2017 defines Class C3 dwelling houses as:  
*“by a single person or by people living together as a family; or  
a) by not more than 6 residents living together as a single household (including a household where care is provided by residents).”*
- 7.1.6 Children’s homes run by workers on a shift pattern do not fall into either class a or b and therefore the dwelling house is not considered to be a C3 dwellinghouse.
- 7.1.7 Class C2 defines Residential institutions as:  
*“the provision of residential accommodation and care to people in need of care, use as a hospital or nursing home, residential school, college or training centre.”*
- 7.1.8 In this instance, the proposal falls under Class C2 as its use is a residential care home.

7.1.9 The provision of residential care homes are by their very nature a residential use which, in this residential area within the settlement boundary, is an appropriate and acceptable use of this dwelling.

7.1.10 In this case, the proposed development would help towards meeting a specialised housing need within Kettering Borough. The proposed use of the property remains residential in nature and therefore there is no conflict with local or national planning policy in this regard.

## 7.2 Visual Impact

7.2.1 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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

7.2.3 Policy 8 of the North Northamptonshire Joint Core Strategy requires all new development proposals to be high quality in design and respect and enhance the character of its surroundings through form, scale, design and materials.

7.2.4 The change of use of the building from a single dwelling house to a care home for 3 children with 4 support workers during the day, with up to 3 other staff on site to include the manager, deputy manager and 1 admin. During the night this falls to a maximum of 4 support workers. The maximum no. of staff on site would be during the afternoon change over between 14:30 – 15:30 where 9 staff would be on site.

7.2.5 The proposal includes the demolition of the garage and creation of parking in the rear garden and works to the boundary wall. It is considered that the demolition of the garage and works to the boundary wall would not have a detrimental impact on the amenity of the conservation area, as these are relatively modern structures with no historical significance. In addition, most of the properties in the street have low boundary walls, therefore the change would not be out of keeping with the character of the street.

7.2.6 The proposed parking area in the rear garden would form a change from the current garden area. However, residential properties have permitted development rights to create hardstanding and access to this area in their rear gardens without planning permission. Therefore it is considered that the proposed parking area would not have a significant detrimental visual impact on the area.

7.2.7 Although the use of the property would be run as a business rather than as a typical household with a single family, the proposed use remains as a residential use. This level of accommodation would be consistent with normal domestic arrangements associated with a large family unit. There is no reason to believe that the comings and goings associated with that level of accommodation and care would have an adverse impact on the areas character.

7.2.8 The use proposed however, falls under use Class C2, which includes other uses such as residential schools and training centres which may not be acceptable at this location. As such there are conditions attached restricting the use to that proposed C2 use and for three residents (not including carers).

7.2.9 For the reasons set out above, in this instance the proposal complies with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

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

7.3.1 Policy 8 of the North Northamptonshire Joint Core Strategy requires that development protects amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

7.3.2 Objections have been received on the grounds of loss of amenity due to noise, disturbance and light pollution from construction and demolition, shift changes / vehicles moving late at night, and the use of the site. Security concerns due to proximity of parking area to gardens of neighbouring properties. The trees on the boundary causing a loss of light and the poor condition of the boundary fence.

7.3.3 The Environmental Health Officer has not raised any concerns regarding the proposals. It is not considered that the low-key use of the property as a small care home would impact on neighbours with regards to significant noise and disturbance. Although there would be shift patterns, the applicant has provided the following information in that the care of the 3 dependent young persons will be conducted by 4 support workers who will operate on a rota basis, providing 24-hour live-in supported care. The support workers work on a shift pattern as follows:

(a) Day shifts 07:30-15:30 hours;

(b) Evening shifts 14:30-22:30 hours (\*with one remaining on site until 07:30 the following morning)

(c) Night shift 21:30 - 07:30 hours

The manager will only attend the site when needed, the deputy manager will work the morning shift and the admin support staff would normally work from home but may occasionally attend the site.

7.3.4 It would appear that shift handovers at 7:30am would be at a time when most households have typical traffic movement through normal work/school patterns and in this case. During the afternoon handover of 14:30 – 15:30, there would be 9 staff on site. It is unlikely that the pattern of household movements would give rise to undue noise or disturbance to neighbouring occupiers.

7.3.5 The applicant has agreed to remove the leylandii trees which is causing a loss of light to neighbouring properties and to erect a new boundary fence to ensure the privacy and security of neighbouring properties is protected. It is considered that conditions requiring a new boundary fence be erected and controlling the working

hours for construction and demolition would be appropriate, to protect the amenity of neighbouring properties.

- 7.3.6 It is considered that the proposal would not have a detrimental impact on neighbouring amenity, subject to conditions regarding working hours and erection of a boundary fence. The proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 7.4 Highway Matters

- 7.4.1 Policy 8 of the North Northamptonshire Joint Core Strategy requires all new development to create well connected places by ensuring that it integrates well with existing cycle, pedestrian, public transport and vehicular movement networks (a.ii) and makes safe and pleasant streets by; prioritising the needs of pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety (b.i) and ensures a satisfactory means of access (b.ii).
- 7.4.2 Paragraph 111 of the National Planning Policy Framework reflects policy 8 to a large degree. Paragraph 111 states that “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 7.4.3 The site is relatively close to the town centre and local facilities of Burton Latimer. The property benefits from off-street parking provision for 8 spaces, 2 to the front of the annex and 6 to the rear of the property which is adequate for the amount of parking required for the number of staff working at the site. Given the age of the children living at the site, they would not drive. Therefore it is considered that the level of parking provision would be adequate subject to a condition requiring the parking to be provided prior to occupation.
- 7.4.4 Objections have been received on the grounds that the proposal would result in increased parking problems on Finedon Street and would restrict on-street parking adjacent to the access to the site. That parking is currently dangerous due to the blind T junction with Alexandra Street. The demolition of the wall and garage would result in less parking for the current residents.
- 7.4.5 The site has off-street parking which would accommodate all the regular staff working at the site. There are no on-street parking restrictions and should there be the occasional need for additional visitors to park on the street then it is not considered that this would cause such an intensification of need for additional parking provision that it would warrant a refusal on highways grounds.
- 7.4.6 The LHA have raised no concerns regarding highway safety, therefore it is considered that the proposal would not worsen highway safety on the road or at the junction with Alexandra St.
- 7.4.7 The proposed access would be approximately 6m wide and would restrict parking outside the access but would not affect parking elsewhere. As the existing dropped kerb and white line are used to access the drive of 100 Finedon St as well as the



site, it is recommended that a condition requiring the access to the site is removed but the dropped kerb and white line are retained to ensure access to no. 100.

7.4.8 It is considered that the access arrangements will be adequate to provide manoeuvring and parking arrangements for all staff, visitors and support services, particularly at the staff handover points.

7.4.9 In this regard, the proposal is considered acceptable under Policy 8 of the North Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **8. Other Matters**

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8.1 Neighbour comments: The sewers and drains are in a poor condition with blockages occurring frequently so the added occupancy of this dwelling will only overload them even more.

8.1.1 The site has 5 bedrooms including the annex, the proposal would involve 3 children and up to 7 staff on site at any one time. Given the size of the property it is considered that this would not be unduly excessive and therefore is unlikely to be worse than the existing C3 use.

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

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

## **10. Recommendation**

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10.1 That planning permission be GRANTED subject to conditions.

## **11. Conditions**

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1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.  
REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. No more than three residents (not including carers) shall live at the property at any one time.  
REASON To protect the amenities of neighbouring residential properties in accordance with Policy 8 of the North Northants Joint Core Strategy.

4. The property subject to this permission shall only be used for purposes associated with a residential care home or as a dwellinghouse and for no other purposes whatsoever.

REASON: In the interest of residential amenity, the area's character and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

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

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

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

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 use hereby permitted shall not commence until the approved scheme has been fully implemented in accordance with the approved details.

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

8. 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. The scheme shall include an assessment of the impact of the lighting on the vertical facades of sensitive properties and the measures necessary to reduce the impact. Any lighting shall be operated in accordance with the approved details at all times.

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

9. The development hereby permitted shall not be occupied, or the use commence, whichever is the sooner until the existing access from the site onto Finedon Street has been permanently closed.

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

10. No other development shall take place on site until the access, including the footway and/or verge crossing, has been constructed in accordance with the approved details.

REASON: To provide satisfactory access in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

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

## 12. Informatives

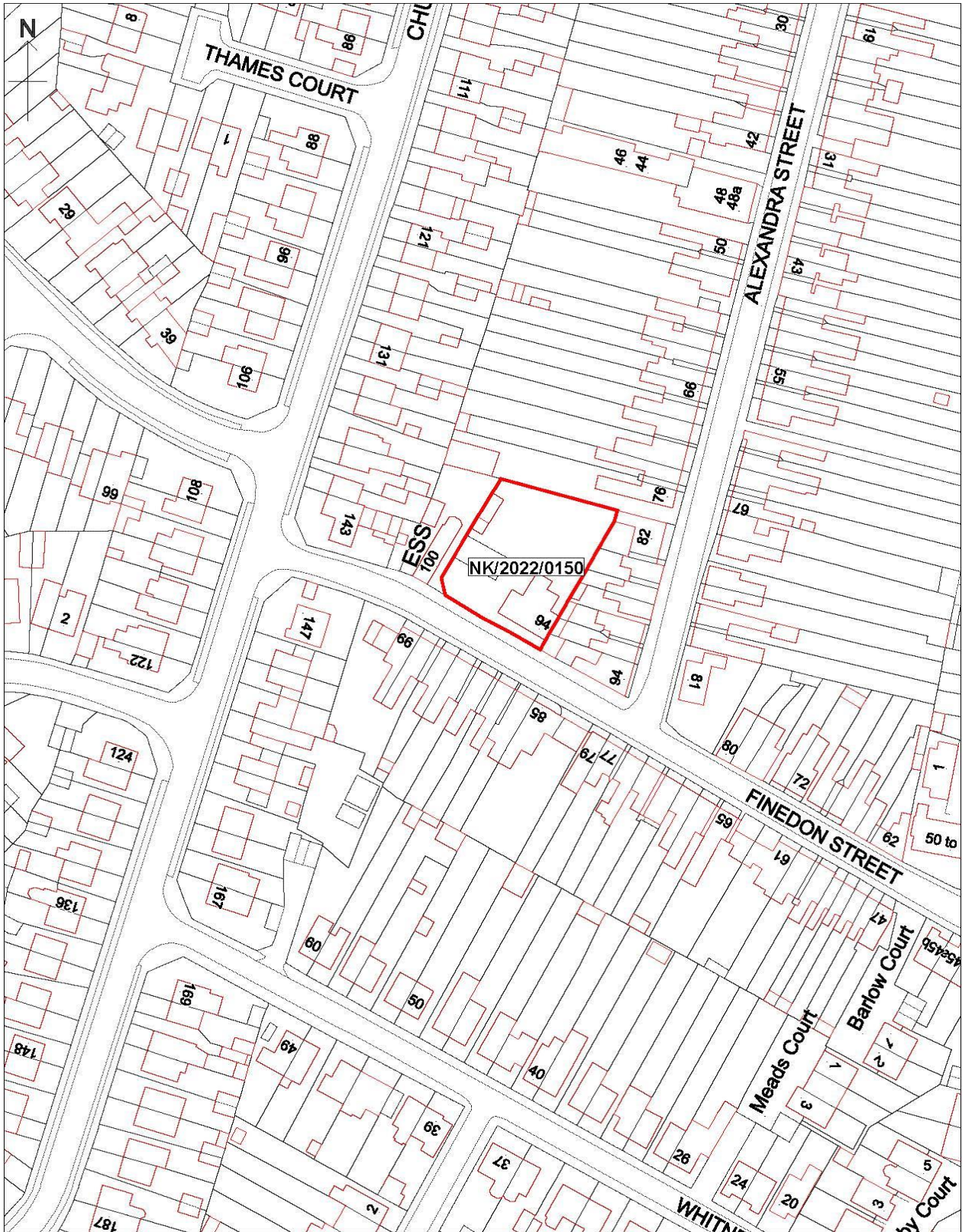
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Positive/Proactive - amendments  
 Building Regulations consent required  
 List of plans

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

<b>Title</b>	<b>NK Ref.</b>	<b>Agent's Ref</b>	<b>Received Date</b>
Location plan		GIS_LF_64305_01-01	03/03/2022
Existing elevations & floor plan – Annex		102 Revision	18/03/2022
Existing elevations – Main building		101-R1	18/03/2022
Existing street view		100-R1	18/03/2022
Existing ground & first floor plans – Main Building		103-R0	18/03/2022
Proposed elevations & floor plan – Annex		202 Revision	18/03/2022

Proposed elevations - Main building		201-R1	18/03/2022
Proposed street view		200 Revision	18/03/2022
Proposed ground & first floor plans – Main building		203-R0	18/03/2022
Proposed bicycle store		204-R0	18/03/2022
Covering Letter		64305_01_JK_JTh_20798416v1	03/03/2022
Planning Statement	NK/2022/0150/1		03/03/2022
Proposed Parking Plan		FSBL-BWB-GEN-XX-DR-TR-004 S2 P8	11/05/2022
Response to Highways	NK/2022/0150/2		11/05/2022
Site layout plan	NK/2022/0150/3	(FSBL-BWB-GEN-XX-DR-TR-005 S2 P6)	25/05/2022



Title: 94 Finedon Street, Burton Latimer - NK/2022/0150

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Council**

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## North Northamptonshire Area Planning (Kettering) Committee 15/06/2022

Application Reference	NK/2022/0174
Case Officer	Alan Chapman
Location	32 Havelock Street, Kettering
Development	Full Planning Permission: Conversion of dwelling house into 2 no. flats with ground and first floor rear extensions
Applicant	Mr M Babad Nerston Ltd
Agent	Alexandra Luksza al design (uk)
Ward	All Saints
Overall Expiry Date	05/05/2022
Agreed Extension of Time	17/06/2022

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 the relevant town / parish council has a material written objection.

#### **1. Recommendation**

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- 1.1 That planning permission be GRANTED subject to conditions.

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

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- 2.1 Full Planning Permission: Conversion of dwelling house into 2 no. flats with ground and first floor rear extensions

## 2.2 Background

This latest planning application follows on from the two earlier planning applications (NK/2021/0665 & NK/2021/0940) that were refused.

### 2.2.1 NK/2021/0665 was refused for three reasons:

- (1) Proposed internal arrangements would result in unacceptable noise transmission.
- (2) Adequate cycle storage not provided.
- (3) Bin store and bin access arrangements not adequate.

### 2.2.2 NK/2021/0940 subsequently and satisfactorily addressed (according to the Officer's recommendation report) the three refusal reasons of NK/2021/0665, but was refused for the following reason:

- (1) Internal floorspace of the flats would fail the required standards (NSS).

### 2.2.3 Thus this NK/2022/0174 application now seeks to address the outstanding refusal reason concerning the internal floorspace dimensions for each proposed new home.

### 2.2.4 In light of comments received concerning access, bin & cycle stores the Agent submitted an amended plan to show a ramped access to the front. Re-consultations were performed. Additional comments following this process are reflected below where received or applicable.

## 3. **Site Description**

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### 3.1 The site is situated within a residential area characterised by terraces.

#### 3.1.1 The site is currently a two-storey terraced property with long rear garden that has a means of pedestrian access to its rear garden and onto Havelock Street via a private passageway. The property does not benefit from any direct access onto Havelock Street other than through its front door.

### 3.2 Constraints:

Approximately 170 metres from the defined Town Centre.

## 4. **Relevant Planning History**

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### 4.1 List all previous planning applications as follows:

<b>Application No</b>	<b>Decision</b>	<b>Date</b>	<b>Address</b>	<b>Description</b>
NK/2021/0665	REFUSED	19-11-21	32 Havelock Street, Kettering Northamptonshire	Conversion of house to form 2 no. flats with ground floor rear extensions
NK/2021/0940	REFUSED	08-02-22	32 Havelock Street, Kettering Northamptonshire	Conversion of house to form 2 no. flats with ground floor rear extensions



## 5. Consultation Responses

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

### 5.1 Kettering Town Council OBJECTION

This development represents an over development of the site. There are issues relating to the proposals for bin storage and cycle storage which are not practical, and which will cause on-street problems in an area already plagued by these problems.

NB:

In accord with the new Scheme of Delegation liaisons occurred with KTC to seek withdrawal of said objections by means of explanation, amendment to the proposal, or by means of condition. In this case it was by means of explanation and small amendments to the REFUSED NK/2021/0940 proposal.

Notwithstanding your explanation we wish to maintain our objection that the proposed development represents over development of the site.

Amended Plans:

Further comments expected on 2<sup>nd</sup> June, or thereafter.

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

### 5.3 Environmental Care (Waste Services) We strongly advise against any internal bin storage.

Regards the bins being stored in the back garden. We are aware that properties on Havelock Street have rear access in theory, in practice most properties store their bins on the public footpath outside their houses due to rear access being through several neighbours' gardens. Therefore, as both properties are individually billed for council tax, two sets of household bins potentially left on the footpath outside the property.

Amended Plans:

I can see no change has been made to the bin storage arrangements. Therefore, my previous comments remain the same.

### 5.4 Environmental Protection (Health) The general internal arrangement is much improved compared to the previous proposal NK/2021/0665. Our noise concerns have been satisfied.

Concerns over the proposed provisions for refuse storage and access to the storage locations. The storage of refuse is best in the open air and away from windows, etc. It also needs to have safe access with sufficient space to be able to move the bins without risk of injury.

The proposed storage for the 1st floor, flat B, is within the building envelope, adjacent to the front door and appears to have a restricted space in which to manoeuvre the bins out onto the street. The bins would also have to be manoeuvred over the front door-step. This may increase the risk of injury to the occupants and, if it is perceived as “too difficult”, will result in the bins being left on the street.

The proposed storage for the ground floor, flat A, is in the rear garden and as such is satisfactory.

Access to the bin store (and bike store) appears to be difficult. The access to the rear has not been shown in detail on the plans, but appears to be a lengthy, unlit, passageway behind the houses and out onto a street. The bin would then have to be taken to the front of the property for collection (estimated distance 200m).

The unsatisfactory alternative route appears to be to drag the bin (or bike) through the flat (living and kitchen spaces) to access Havelock Street.

This may increase the risk of injury to the occupants and, if perceived as too difficult, will result in the bins being left on the street.

The applicant may wish to refer to Building Regulations Approved Document H which outlines minimum requirements for refuse storage.

### **Recommendations**

As per our response to the previous application, we cannot support this application in its current form because it has not been demonstrated that it will comply with Policy 8 of the North Northamptonshire Joint Core Strategy, it may also result in dwellings that do not fully meet the requirements of Housing Health and Safety standards.

Amended Plans:

There does not appear to be any significant difference between the current revision (D) of the plans and the previous version (C). We have nothing to add to our previous comments of the 24<sup>th</sup> of March 2022.

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

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### **6.1 Statutory Duty**

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

### **6.2 National Policy**

National Planning Policy Framework (NPPF) (2021)

Policy 1: Introduction

Policy 2: Achieving sustainable development

Policy 4: Decision-making

Policy 5: Delivering a sufficient supply of homes

Policy 9: Promoting sustainable transport

Policy 11: Making effective use of land  
Policy 12: Achieving well-designed places

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

- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)  
Policy 1: Presumption in Favour of Sustainable Development  
Policy 6: Development on Brownfield Land  
Policy 8: North Northamptonshire Place Shaping Principles  
Policy 9: Sustainable Buildings  
Policy 11: The Network of Urban and Rural Areas  
Policy 28: Housing Requirements  
Policy 29: Distribution of New Homes  
Policy 30: Housing Mix & Tenure

- 6.4 Kettering Site Specific Part 2 Local Plan (Adopted 01 December 2021)  
LOC1: Settlement Boundaries  
HOU1: Windfall and Infill Development: Principles of Delivery

## **7. Evaluation**

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The key issues for consideration are (NB: for ease of comparison with the earlier NK/2021/0940 Officer Recommendation the key issues below are the same headings as reported in NK/2021/0940):

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Amenity of Future Occupiers
- Highway Matters
- Waste Management

### **7.1 Principle of Development**

- 7.1.1 Policy 11 of the JCS seeks to focus new residential development within the settlement boundaries of the Urban Areas where Kettering is identified as a Growth Town subject to compliance with other development plan policies.
- 7.1.2 Policy 29 of JCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'
- 7.1.3 Policy LOC1 of the Kettering Site Specific Part 2 Local Plan is generally supportive of residential development within settlement boundaries subject to their compliance with Policy 11 of the JCS.
- 7.1.4 Policy HOU1 of the Kettering Site Specific Part 2 Local Plan is generally supportive of windfall and infill residential development within settlement

boundaries and on garden land providing there is no erosion to the character and appearance of the area.

7.1.5 A very similar proposal (NK/2021/0940) to this latest NK/2022/0174 proposal was refused planning permission on the 08/02/2022.

7.1.6 The refusal reason given by the officer for the NK/2021/0940 decision was:

7.1.7 *“The proposal fails to meet the required floorspace standards for both flats detrimental to the amenity of future occupiers contrary to Policy 8 of the North Northamptonshire Joint Core Strategy.”*

7.1.8 In the Officer’s Report accompanying the 2021 refusal decision, the above refusal reason flows from the report section called ‘7.4 Amenity of Future Occupiers’ which reads as follows:

7.1.9 *“(7.4.1) The proposal provides two one-bedroom flats, these flats are over both over two floors and as such are considered to be two storey units. Flat A measures approximately 46sqm and has a single bedroom, Flat B measures approximately 50sqm and has a bedroom which measuring 6.6sqm which does not meet the single bedroom floorspace standard. Therefore, proposed flats do not meet the requirements of the Technical Housing Standards – nationally described space standards, March 2015.*

7.1.10 *(7.4.2) The proposed ground floor flat has access to the rear garden, however it appears that the first floor flat would not have access to the garden.*

7.1.11 *(7.4.3) Environmental Protection have advised that they have concerns regarding proposed layout in terms of fire escape.*

7.1.12 *(7.4.4) The proposal fails to meet the required floorspace standards for both flats and so the proposal would be unacceptable in terms of the amenity of future occupiers and in accordance with policy 8 e(i) of the NNJCS.”*

7.1.13 On assessment of the other planning issues (listed below) for consideration regarding refused proposal NK/2021/0940, the 2021 Officer concluded that the scheme was acceptable (subject to conditions: - (i) no openings in the side wall facing No.34 Havelock Street; (ii) cycle storage to be provided; (iii) internal/external bin storage to be provided) in planning terms:

7.1.14 NK/2021/0940 – Planning Issues  
Principle of Development  
Visual Impact  
Impact on Neighbouring Amenity  
Highway Matters  
Waste Management

7.1.15 Therefore, the 2021/0940 officer was only concerned with the proposed flats not meeting the national space standards (NSS).

- 7.1.16 This latest NK/2022/0174 seeks to address the 2021/0940 refusal reason by slightly increasing the internal space of both flats with a small extension on the first floor and the inclusion of 'built-in' storage space as per JCS Policy 30 and the accompanying National Space Standards (NSS).
- 7.1.17 By comparing the two proposals and proposed plans below, it is opined that the Applicant has fully addressed the single refusal reason from 2021:  
(NK/2021/0940) Drawing Number: HS32-04-B  
(NK/2022/0174) Drawing Number: HS32-04-D
- 7.1.18 For the above reasons, and as the site is an established residential area of the town, then the general principle of development is acceptable. The development is further assessed below for compliance with the other relevant Development Plan policies.

## 7.2 Visual Impact

- 7.2.1 Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.2.2 The development site is located within the town and the immediate area is characterised by residential development with some flatted developments in the area.
- 7.2.3. The proposal involves two single storey ground floor rear extensions which are assessed to be in keeping with the scale and character of the host dwelling and repeat that of the NK/2021/0940 proposal. However, in this latest 2022/0174 proposal a small first floor rear extension is added, which extends off the existing rear wall by 1.58 metres and extends off the existing first-floor side wall by approximately 1.9 metres. For comparison this proposal would not involve any external alterations to the front elevation of the dwellinghouse as was the case for NK/2021/0940. As such the proposed internal conversion to a ground floor and a first-floor flat would not have any impact of the area's appearance, and the relatively small ground and first-floor extensions, due to their size/massing and being located to the rear of a row of terraced buildings, would also not give rise to any discernible impact on the area's appearance.
- 7.2.4 With regards to character, this form of flatted residential development is not reflective of the area which is largely formed of terraced dwellings. However, it is considered that the very minor intensification of residential development it would form would not be so harmful as to be unacceptable in terms of character and appearance and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.
- 7.2.5 For the reasons and conditions given above it is considered that the proposal will preserve the character and appearance of the buildings and their settings and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

- 7.3.1 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of noise, vibration, loss of light or overlooking.
- 7.3.2 The site shares a boundary with No.30 Havelock Street, one of the rear extensions would be on the boundary with No.30 and would measure approximately 2.1m wide, 3m deep and 3m in height with a flat roof. However, in this latest 2022/0174 proposal a small first-floor rear extension is added (to provide addition internal space), which extends off the existing rear wall by 1.58 metres and extends off the existing first floor side wall by approximately 1.9 metres. It is assessed that the small size of this extension and its positioning relative to the rear facing windows of No.30, would not give rise to unacceptable harmful impacts on No.30's living conditions. Subject to a condition preventing the insertion of any openings in the side elevation facing No.30, it is considered that the proposed extension would not have an unduly detrimental impact on 30 Havelock Street due to its size.
- 7.3.3 The site shares a boundary with 34 Havelock Street, the other rear extension would sit on the boundary with No.34 and would measure approximately 2.7m wide, 3.1m deep and 3m in height with a flat roof. Subject to a condition preventing the insertion of any openings in the side elevation facing No.34, it is considered that the proposed extension would not have an unduly detrimental impact on 34 Havelock Street due to its size.
- 7.3.4 It is considered that the proposal is acceptable in terms its impact on neighbouring properties subject to conditions and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

### **7.4 Amenity of Future Occupiers**

- 7.4.1 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the amenities of future occupiers by reason of noise, vibration, loss of light or overlooking.
- 7.4.2 Policy 30 of the North Northamptonshire Joint Core Strategy requires new dwelling (units) to meet the National Space Standards (NSS).
- 7.4.3 The refused 2021/0940 proposal was to provide two one-bedroom flats, where the flats were both over two floors and as such were then assessed to be two storey units. (Referring to NK/2021/0940 Drawing Number: HS32-04-B) Flat A measures approximately 46sqm and has a single bedroom, Flat B measures approximately 50sqm and has a bedroom which measuring 6.6sqm which did not meet the single bedroom floorspace standard. Therefore, the proposed flats were refused as they did not meet the requirements of the Technical Housing Standards – nationally described space standards, March 2015 – hence the refusal reason.
- 7.4.4 Referring to submitted Drawing Number: HS32-04-D, the Agent has proposed that both Flats A & B will now each be confined to single floor, and where the existing basement and loft space will remain as non-habitable rooms/accommodation. The Agent has agreed to the imposition of a condition to this affect. The proposed first-

floor extension to Flat B has increased the internal floor space. For comparison this 2022/0174 scheme provides Flat A (ground-floor) with 38.2 sqm of internal floorspace with the addition of a built-in storage area, and Flat B (first-floor) with 38.0 sqm of internal floorspace also with the addition of a built-in storage area. As such it is assessed that both flats would meet the NSS criteria for a 1-bed, 1-person, dwelling unit of one-storey by being over 37 sqm where additional built-in storage at 1.0 sqm is additionally provided. Presumably both flats could have use of the basement and loft space for additional storage. To ensure that the existing basement and loft space are permanently retained as such and not converted into habitable residential use and to maintain the space standards (NSS) upon which this proposal is assessed, a condition shall be imposed to this effect. Thus, the current proposal can now be assessed as being in accord with JCS Policy 30 and in this regard in accord with JCS Policy 8e.

- 7.4.5 The proposed ground floor flat has access to the rear garden; however, it appears that the first floor flat would not have access to the garden.
- 7.4.6 Environmental Protection have commented that this latest proposal's internal layout is much improved compared to the previous proposal NK/2021/0665, and their noise concerns have been satisfied.
- 7.4.7 Understanding the current situation, No.32 is a mid-terrace dwelling house where the incumbent occupiers only have access from the rear garden to Havelock Street through the ground floor of the house. They also appear to have access into the rear of the rear garden from the private passageway that leads from the rear of the garden and then dog-legs to provide access onto Havelock Street. Thus, current arrangements suggest that the current occupiers would either leave their refuse bins outside the property on Havelock Street (as do many of the residents along the street appear to do so) or store them in the rear garden and then wheel them through the house onto Havelock Street, or wheel them onto Havelock Street via the private passageway as described above. The same arrangements would also apply to any bicycles that they may possess and use.
- 7.4.8 Environmental Protection expressed concerns that the proposed arrangements for the bin and cycle stores to serve the flats would be difficult and may possibly increase the risk of injury due to the manoeuvres required to transport bins and cycles from within and through the ground floor flat onto Havelock Street. However, these arrangements are the same as proposed under planning application NK/2021/0940, and where the Officer at the time concluded in their recommendation report that these would be acceptable. The amended plan showing a ramped access at the front of the property is opined to help address the concerns over the movement of bins/cycles, as a ramp would be easier to use than the two steps leading from the footway and into the property.
- 7.4.9 In this regard, it is assessed that although the proposed arrangements differ slightly from the current single dwelling arrangements, these differences are not wholly substantial on their own to base a refusal reason upon. Proposed Flat A (ground floor) would operate its bins and cycles no differently from that of No.32 as a single dwelling house, and Flat B (first floor) would operate its bins and cycles where there is only direct access onto Havelock Street, akin to a terrace along the street choosing the same type of operation.

7.4.10 For the reasons and conditions given above it is considered that the proposal accords with Policy 8 and 30 of the North Northamptonshire Joint Core Strategy in that it does not result in an unacceptable impact on the amenities of future occupiers.

## 7.5 Highway Matters

7.5.1 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.

7.5.2 Whilst the proposal would not provide off-street parking this is an existing situation of the site and the surrounding area.

7.5.3 As such and given that on-street parking is characteristic of the area, and with no reason to believe that the proposal would worsen highway safety in the area, the proposal is assessed as being acceptable in terms of on-street parking provision.

7.5.4 The proposal includes provision for cycle storage in the rear garden for Flat A, and internal cycle storage has been provided for Flat B. Therefore, it is considered that subject to a condition requiring the cycle storage to be provided and retained as such, the proposal would be acceptable in terms of cycle storage.

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

## 7.6 Waste Management

7.6.1 Both Environmental Protection and Care have expressed concerns that the proposed bin store arrangements may fail building regulations and are thought to be unsatisfactory (due to risk to injury and how the bins are presented onto the street), although Environmental Care do concede and acknowledge that in practice other properties along Havelock Street store their bins on the public footpath outside the front of their properties thus resulting in potentially one extra addition possibly from proposed Flat A.

7.6.2 It should be noted as a material planning consideration that the proposed bin storage arrangements are identical to those found acceptable by the Officer during their assessment of planning application NK/2021/0940 subject to a condition requiring the internal bin store to be installed and maintained as such. The Officer presiding over NK/2021/0940 also concluded that the proposed bin store arrangements "...would be no worse than the existing situation."

7.6.3 It is accepted that this proposal would be subject to evaluation under the Building Regulations process and possible amendments may need to be applied to any forthcoming planning permission resulting from any Building Regulation requirements identified or insisted upon.

7.6.4 It is not for the local planning authority to assess compliance with building regulations but Environmental Protection quote Building Regulations Approved



Document H4 deals with solid waste storage. For context the H4 provisions quote that containers for waste can be enclosed where enclosed space is at least 600mm x 600mm x 1000mm high, and with ventilation. The submitted drawings indicate that the enclosed bin store for Flat B has dimensions of approximately 700mm x 1300mm, although heights are not given, the height could possibly exceed 1000mm.

- 7.6.5 In similar fashion as with NK/2021/0940 it is recommended a condition be imposed requiring full details of both bin stores to be submitted, approved, implemented, and thereafter maintained as such.

## **8. Other Matters**

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- 8.1 Neighbour comments: None

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

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- 9.1 This latest proposal has addressed all the earlier refusal reasons concerning noise, cycle/bin storage, and internal living space standards, and subject to the proposed conditions it would result in a development that will provide an additional dwelling unit in the area, and the whole development would not give rise to unacceptable impacts upon the area's character, the living conditions of existing/future residents, on-street parking provision, and waste management practices.

## **10. Recommendation**

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- 10.1 That planning permission be GRANTED subject to conditions.

## **11. Conditions**

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1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.  
REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
3. Notwithstanding the hereby approved Drawing Number HS32-04-D, the cellar and loft space as shown on this drawing shall be permanently retained for use as a cellar and as loft space and shall not be converted into or used as habitable residential accommodation that includes bedrooms, kitchens, bathrooms, toilets, living/dining rooms, study rooms, home-office, or other similar uses that cover normal residential use.

REASON: In the interests of protecting the living standards of existing and future occupiers in accord with Policy 8 and 30 of the North Northamptonshire Joint Core Strategy.

4. Prior to either flat hereby approved being first occupied details of the external bicycle store shall be submitted to and approved by the Local Planning Authority. The approved details shall then be fully implemented and made available for use.

REASON: In the interests of promoting sustainable modes of transport in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to either flat hereby approved being first occupied details of the refuse (bin) storage areas shall be submitted to and approved by the Local Planning Authority. The approved details shall then be fully implemented and shall be retained as approved thereafter.

REASON: In the interests of residential amenity by reason of smell or other pollution in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the hereby approved Drawing Number HS32-04-D that shows openings in the side elevations of the development, no further openings shall be inserted into any side elevation that faces Nos.30 and 34 Havelock Street, Kettering.

REASON: To protect the living conditions of occupiers of the neighbouring dwellinghouses by reason of privacy in accord with Policy 8 of the North Northamptonshire Joint Core Strategy.

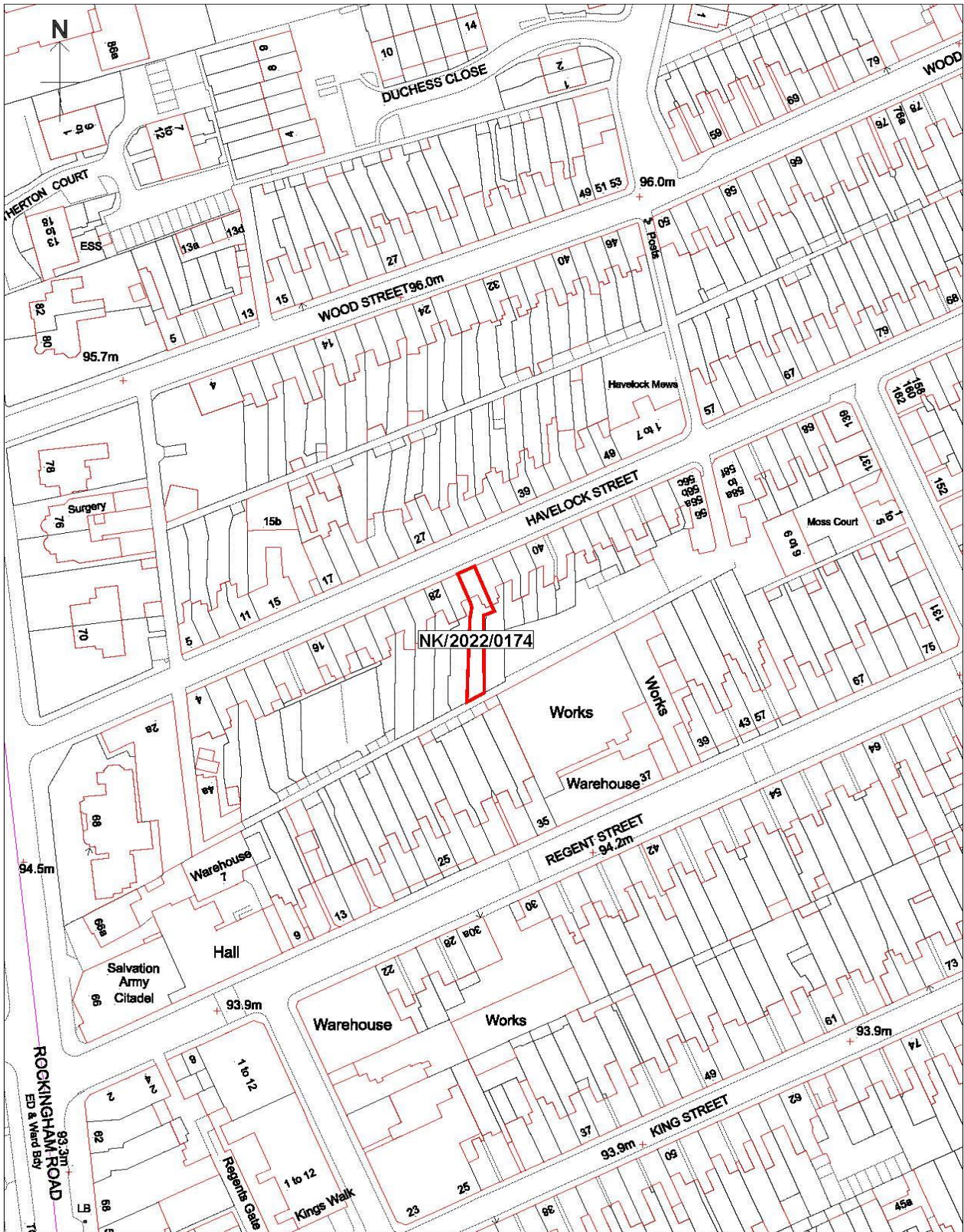
## 12. Informatives

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Positive/Proactive - amendments  
Building Regulations consent required  
Party Wall Etc. Act  
B Regs Doc H  
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		HR32_01	10/03/2022
Block plan		HR32_02A	10/03/2022
Existing elevations ground/first/second/basement floor and roof plans		HR32_03A	10/03/2022
Proposed elevations ground/first/second/basement floor and roof plans		HR32 04D	28/04/2022



Title: 32 Havelock Street, Kettering - NK/2022/0174

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