

# Public Document Pack



**North  
Northamptonshire  
Council**


**Meeting:** North Northamptonshire Area Planning Committee (Kettering)  
**Date:** Tuesday 17<sup>th</sup> January 2023  
**Time:** 7:00 pm  
**Venue:** Council Chamber, Municipal Offices, Bowling Green Road,  
Kettering, Northants, NN15 7QX

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

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

Substitute Members : Councillors Henson, Hakewill and Tubbs

<b>Agenda</b>			
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<b>Items requiring a decision</b>			
04	Applications for planning permission, listed building consent and appeal information*		
	I) <b>NK/2022/0425:</b> Full Planning Permission: Three storey rear extension, rear extension to floors one and two, conversion of two storey detached garage and ground floor to create 4 no. one bedroom apartments, 1no. two bedroom apartment, plus an increase in floor space for an existing apartment	Planning Officer	11 – 40
	II) <b>NK/2022/0477:</b> Full Planning Permission: Demolition of bungalow and erection of 1 no. dwelling	Planning Officer	41 – 52

	<b>III) NK/2022/0614:</b> Full Planning Permission: Replace windows with PVCU and insert four windows on West elevation		53 - 62
<b>Items to note</b>			
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<b>Exempt Items</b>			
06	None Notified		
07	Close of Meeting		
	Adele Wylie, Monitoring Officer North Northamptonshire Council    <b>Proper Officer</b> <b>6<sup>th</sup> January 2023</b>		

\*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 Monday 16 January 2023
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 Monday 16 January 2023

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

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

At 7.00 pm on Wednesday 30th November, 2022 in the  
Council Chamber, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

### Present:-

#### Members

Councillor Mark Rowley (Chair)  
Councillor Dez Dell  
Councillor Jim Hakewill

Councillor Cedwien Brown  
Councillor Ian Jelley  
Councillor Paul Marks

#### Officers

Louise Holland	Development Services
Louisa Johnson	Development Services
Alan Chapman	Development Services
Nigel Bell	Legal
Callum Galluzzo	Democratic Services

### 9 Apologies for non-attendance

Apologies for absence were received from Councillors Joseph Smyth, Robin Carter, Elliot Prentice and Emily Fedorowycz.

It was noted that Councillors Jim Hakewill and Paul Marks were present as substitutes for Councillors Emily Fedorowycz and Joseph Smyth respectfully.

### 10 Members' Declarations of Interests

Councillors Paul Marks and Dez Dell declared an interest in item 4.2 as members of the Friends of Kettering Art Gallery & Museum.

### 11 Minutes of the meeting held on 2nd November 2022

#### **RESOLVED**

that the minutes of the meetings of the Area Planning Committee held on 2<sup>nd</sup> November 2022 be approved as a correct record.

### 12 Applications for planning permission, listed building consent and appeal information\*

The Committee considered the following applications for planning permission, which were set out in the Development Control's Reports and supplemented verbally and in writing at the meeting. Five speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.

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

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.1 Full Planning Permission: Erection of a drive through cafe/restaurant with car parking, landscaping, external seating and associated works at Stanier Retail Park (land at), Stanier Close, Northfield Avenue, Kettering for HB Pearce Contractors Ltd</p> <p>Application No: NK/2022/0333</p> <p><u>Speaker:</u></p> <p>Councillor Clark Mitchell attended the meeting and addressed the committee as a representative for Kettering Town Council raising concerns with existing traffic issues associated with the development site. It was stated that there were major traffic issues that needed to be addressed.</p> <p>Neil Goldsmith attended the meeting and addressed the committee as the agent on behalf of the applicant stating that the road in question was unadopted and remained a private road and that the local highways authority did not object to the application. It was also stated that the development would be an energy efficient one and would create around 13 jobs.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the erection of a drive through cafe/restaurant with car parking, landscaping, external seating, and associated works.</p> <p>Members raised concerns regarding the congestion issues associated on Stanier Close . Members recommended that a traffic management solution be installed to alleviate any congestion at the junction.</p> <p>Members were reminded that through the consultation process the Local Highways Authority raised no objection with the proposed development.</p> <p>Following debate it was proposed by Councillor Hakewill and seconded by Councillor Dell that the application be refused in contrary to the officers recommendation due significant harm traffic conditions would pose on Stanier Close.</p> <p>Members voted as follows: For Refusal 2, Against Refusal 3</p> <p>The motion therefore fell.</p> <p>Following debate it was proposed by Councillor Jelley and seconded by Councillor Brown that the application be approved in line with the officers recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

3. Notwithstanding the hereby approved Drawing Number: 0466-A12-P02-D (Drive-Thru Ground Floor Plan as Proposed) the electric vehicle charging points shall be installed and made available for use before the drive through restaurant is opened for trade with the public.
4. 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.
5. Prior to the commencement of development a Site Clearance 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 site clearance and construction works.
6. Construction works at the site shall not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.
7. The premises shall not be open for trading to the public between midnight and 06:00 hours on any day.
8. No external lighting of the car park or buildings shall be constructed or affixed to the buildings or erected on the site unless it accords with a scheme submitted to and approved in writing by the Local Planning Authority. There shall be no external illumination outside the hours of 05:30 and 00:30.
9. The building hereby permitted shall not be occupied until the refuse storage facilities have been provided in accordance with the approved Drawings. These refuse storage facilities shall thereafter be retained as approved in perpetuity.
10. Prior to first occupation of the development a scheme of soft landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
11. Prior to the first occupation of the development hereby approved, a tree management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and

experienced forestry or arboricultural consultant and should include the following elements:

- a) Type and frequency of management operations to achieve and sustain canopy, to achieve at least 'moderate' condition as set out in the Biodiversity Metric 3.1, and to provide reinstatement including planting where tree loss or vandalism occurs.
  - b) Frequency of safety inspections
  - c) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
  - d) Special measures relating to Protected Species or habitats, e.g., intensive operations to avoid March to June nesting season or flowering period.
  - e) Inspection for pests, vermin and diseases and proposed remedial measures.
  - f) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.
- The approved plan will be implemented in accordance with the approved details.

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

*(Voting: For 3, Against 2)*

*The application was therefore*  
**APPROVED**



<u>Proposed Development</u>	<u>Decision</u>
<p>*4.2 Advertisement Consent: 1 no. internally illuminated wall mounted sign at Art Gallery, Sheep Street, Kettering for K Purnell, North Northamptonshire Council</p> <p>Application No: NK/2021/0531</p> <p><u>Speaker:</u></p> <p>Monica Ozdemir attended the meeting and addressed the committee as a third party against the application stating that the proposed signage does not suit or is in keeping with the local heritage quarter</p> <p>Councillor Clark Mitchell attended the meeting and addressed the committee as a representative of Kettering Town Council stating that the proposed signage was incorrect for the area and a non-illuminated sign would be preferable and more in keeping with the area.</p> <p>Kerry Purnell attended the meeting and addressed the committee as the applicant for the proposal stating that the sign would be above the east elevation and only to be visible from the Car park. The sign would only be lit when in operation and was to be fitted with dimmable LED lights designed to glow and not beacon out.</p>	<p>Members received a report about a proposal for which advertisement consent was being sought for 1 no. internally illuminated wall mounted sign.</p> <p>Members initially raised concerns regarding the proposed signage stating that it did not seem to be in keeping with the local heritage quarter. Members also questioned the need for the sign to be lit or even the possibly to be front lit.</p> <p>Members requested that an additional condition be included so that the sign is not lit or used when the building is not open or in use.</p> <p>Following debate Councillor Hakewill proposed that the application be refused as the application failed to preserve and enhance character or appearance of the conservation area however without a seconder the motion fell.</p> <p>Following debate it was then proposed by Councillor Brown and seconded by Councillor Jelley that the application be approved in line with the officer's recommendation with the additional condition.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to the following conditions:</p>

1. No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land).
2. No advertisement shall be sited or displayed so as to -
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air, or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. The luminance of the advertisement shall not exceed 400 candela per square metre.
7. The illumination of the proposed sign shall be of a static non-intermittent type.
8. The illuminated sign hereby consented shall not be illuminated when the building is closed.

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

*(Voting: For 4, Against 1)*

*The application was therefore*

**APPROVED**

**15 Delegated Officers Report**

None

**16 Urgent Items**

None

**17 Close of Meeting**

The meeting closed at 8.10 pm

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Chair

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Date

## North Northamptonshire Area Planning (Kettering) Committee 17/01/2023

<b>Application Reference</b>	NK/2022/0425
<b>Case Officer</b>	Alison Riches
<b>Location</b>	3 London Road, Kettering
<b>Development</b>	Full Planning Permission: Three storey rear extension, rear extension to floors one and two, conversion of two storey detached garage and ground floor to create 4 no. one bedroom apartments, 1no. two bedroom apartment, plus an increase in floor space for an existing apartment
<b>Applicant</b>	Inspired Agents
<b>Agent</b>	Mr S Bratby VJS Projects Limited
<b>Ward</b>	Northall Ward
<b>Overall Expiry Date</b>	29/08/2022
<b>Agreed Extension of Time</b>	18/01/2023

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

### List of Appendices

#### **Appendix A – Appeal Decision Notice (KET/2018/0736)**

### Scheme of Delegation

This application is brought to committee because Kettering Town Council has a material written objection and there are unresolved, material objections to the proposal.

#### **1. Recommendation**

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- 1.1 That planning permission be GRANTED subject to conditions.

## **2. The Proposal**

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- 2.1 The existing property on site is a three-storey building containing a commercial unit (jewellers) at ground floor level with associated ancillary storage. At first floor level is a 2 bedroom apartment and at second floor level is a 1 bedroom apartment. There is a detached two-storey single garage with storage above which is connected to the remaining built form by high brick walls and fencing which surround a secure rear courtyard.
- 2.2 The proposal as originally submitted was described as a three-storey rear extension, rear extension to the first and second floors, conversion of the two-storey detached garage and the ground floor to create 4 no. one bedroom and 2 no. two bedroom apartments.
- 2.3 During the application process, the proposal description was changed to reflect the fact that the proposal is for extensions and alterations to provide 5 no. new apartments – 1 no. 2 bedroom, 4 person (Plot 1), 4 no. 1 bedroom, 2 person (Plots 2, 3, 5 and 7) – plus an extension to Plot 6 which is an existing second floor 1 bedroom, 2 person apartment.
- 2.4 Other alterations were to the car and cycle parking arrangements, relocation of the bin storage area and the provision of elevations and floor plans for this, and relocation of the Electric Vehicle charging point, and the provision of data sheet details in support of this. A 14 day reconsultation was carried out.
- 2.5 A second reconsultation was carried out for 7 days following further amendments to revise the submitted Construction Management Plan, revise fire escape routes, and to amend the bin and cycle storage.
- 2.6 A third reconsultation was carried out for 7 days following further amendments to relocate the entrance to Plot 3 resulting in an increase in the floor area, to further revise the submitted Construction Management Plan to include details regarding dust and noise during construction, and to provide amended plans showing a section through the proposed three-storey rear extension to show room heights for Plot 7.
- 2.7 The resulting application is for the following:
- A three-storey rear extension,
  - First and second floor rear extensions above an existing rear store,
  - Conversion, alteration of, and two-storey extension to, the existing two-storey garage, and
  - Conversion of the existing ground floor.
- 2.8 This is to create 1 no. 2 bedroom, 4 person (Plot 1) apartment, 4 no. 1 bedroom, 2 person (Plots 2, 3, 5 and 7) apartments – plus an extension to Plot 6 which is an existing second floor 1 bedroom, 2 person apartment.

- 2.9 Plot 4 is an existing first floor 2 bedroom, 4 person apartment with the only changes being the relocation of the entrance door and reconfiguration of the kitchen layout to provide access via the retained rear staircase, due to the loss of the existing entrance as a result of the proposed three-storey rear extension.
- 2.10 The extensions and alterations take place within the existing curtilage at the site.
- 2.11 A previous application for an almost identical scheme under reference NK/2022/0043 was withdrawn to allow amendment to the red line, to amend the scheme to remove a small inset to the rear extensions so as to increase the size of the proposed apartments, and to address issues raised as a result of the consultation exercise.

### **3. Site Description**

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- 3.1 The application site is located in the centre of Kettering, abutting the town centre boundary, as defined by the Kettering Town Centre Area Action Plan, within the Conservation Area, and in close proximity to the Grade II listed former Dalkeith Works shoe factory.
- 3.2 The plot is roughly rectangular and comprises an existing detached render covered three-storey former commercial (jewellers) building with a slate tile gable roof and painted wooden single glazed multi-paned windows, built in the late 19<sup>th</sup> century, and reflective of the style of building prevalent in the historic core of Kettering. There is a flat roofed brick single and two-storey rear addition. The front elevation of the building abuts the back of the footpath in London Road.
- 3.3 To the side (southeast) of the building, accessed from London Road is a driveway leading to a detached two-storey red brick fronted garage and storage building with an ironstone side elevation and a render covered brick rear elevation built in 1916. The garage building has a hipped roof and is connected to the main building by a high render covered brick wall which surrounds a secure internal courtyard.
- 3.4 To the side (northwest) of the existing building is an access from London Road to a shared car parking area and the occupiers have a legal right to use 2 no. tandem parking spaces immediately adjacent to the rear (northeast) of the building.
- 3.5 Surrounding development includes mixed commercial and residential uses of similar style and height immediately adjacent to the application site but becoming predominantly residential and varying in age and style southwards away from the town centre.

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

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- 4.1 NK/2022/0043. Three storey rear extension with side dormers, rear extension to floors one and two, conversion of two storey detached garage and conversion of ground floor to create 4 no. one bedroom and 2 no. two bedroom additional apartments. Withdrawn 27/04/2022.

No.1 London Road

NK/2021/0264. Change of use from offices to 1 no. dwelling. Approved 04/06/2021.

Unit 2 Green Lane

NK/2022/0016. Full. Change of use from office/storage to residential with creation of first floor with rooflights to front and rear. Replace garage door with window and door. Block up window to front. Pending

NK/2022/0017. LBC. Creation of first floor to include insertion of staircase and rooflights to front and rear. Replace garage door with window and door. Block up window to front, remove internal wall and reposition internal door to kitchen. Pending

## **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.
- Appears to be 7 apartments created rather than the 5 described.
- Insufficient on-site parking with no possibility of on-road parking near this busy junction.
- No Electric Vehicle charging points.
- No renewable energy statement.
- No planting details or clarity about bio-diversity enhancements.
- Concern that the units are too small.
- Access to waste bins difficult.

#### Reconsultation 24/08/2022

- The application represents overdevelopment of the site.
- Comments already made about noise impacts and air quality are endorsed.
- Earlier comments (except for Electric Vehicle charging points) continue to apply.

#### Reconsultation 05/10/2022

- The plans with the application show 7 flats not 6 and presumably therefore this has implications for waste and cycle storage provision, for parking.
- Earlier comments are maintained.

#### Reconsultation 04/11/2022

- Objection maintained.
- It is still a 7 flat development rather than the 6 described and consequently continues to represent an over-development of the site.
- In addition to earlier comments, the parking for flat 3 is not appropriate as it requires the driver to reverse out onto London Road.
- The bins are not accessible where they are located.

### 5.2 **Neighbours / Responses to Publicity**

- No comments received in response to the initial consultation.

#### Reconsultation 24/08/2022

- No comments received in response to the reconsultation.

#### Reconsultation 05/10/2022

Hetherington House, 5 London Road

- Objection.
- 8 resident care home.
- The proposal looks like it will block light to 3 resident bedrooms, and the kitchen would be deprived of light.
- Great concerns over parking, security and the amount of disturbance, due to comings and goings, will cause to our residents.
- Limited space to the back of our house for staff parking which could be made worse as we need access at all times for residents if needed to go to hospital.

#### Reconsultation 04/11/2022

- No comments received in response to the reconsultation.

### 5.3 **Environmental Health (EH)**

- No comments received in response to the initial consultation.

#### Reconsultation 24/08/2022

- Cannot support.
- The Construction Management Plan does not appear to be site specific.
- Large number of residential properties within 500m of the site. It does not identify nearby receptors that may be sensitive to construction noise or dust and does not assess the risks to them.
- Five of the six habitable rooms on the London Road façade are to be bedrooms; this layout places the most noise sensitive rooms in what is probably the noisiest part of the development. It maybe beneficial to consider a different internal arrangement to place the bedrooms on quieter facades.
- The letter from RandTech Consulting Ltd (Dated; 30th March 2022, Ref: MDR/J4962a) comments on both noise and air quality. With respect to noise the assessment indicates that satisfactory internal noise levels can be achieved by keeping windows closed, this is likely to result in there being insufficient cooling ventilation and no proposals have been put forward to provide an alternative ventilation method. The

noise assessment and development proposal as a whole do not suggest that acoustics, internal layout, the provision of adequate ventilation or solar gain have been considered in the design process.

- Whilst this site is adjacent to an A road and there is therefore a potential for poor air quality it is noted that the RandTech does not attempt to assess the risk, they simply assume that mitigation is required and suggest a scheme. We would note that any such ventilation system would also need to be designed to be compatible with the proposed acoustic mitigation to ensure appropriate internal noise levels and that there is sufficient cooling capacity.
- The proposed internal layout places the most noise sensitive rooms in what is probably the noisiest part of the development. It may be beneficial to consider a different internal arrangement (to place the bedrooms on quieter facades if possible) to reduce the noise mitigation requirements. Further noise impact assessment work may be required to support this option.

#### Reconsultation 05/10//2022

- Revised Construction Management Plan submitted but assessment and control of construction dust and noise do not appear to have been revised, so previous comments still stand.
- Occupiers of No.5 London Road may be particularly sensitive to these impacts.
- No further comments regarding Rev H plans as there are no changes to the general layout.
- Regarding noise and air assessment – moving bedrooms to quieter facades may not change the acoustic mitigation advised it will reduce the noise levels in the bedrooms if the occupiers choose to open their windows for ventilation (although this would result in levels likely to cause sleep disturbance and a consequent risk to health).
- We will not be asking for additional noise monitoring although as stated it is preferable to carry it out over a longer period to minimise the uncertainties. In this case the measured levels are broadly comparable with the England Noise Mapping long term assessment for the location.
- The fact that windows will need to be closed to achieve satisfactory internal noise levels will restrict the available options for the developer to meet the requirements of Part F – Ventilation, and Part O – Overheating, of the Building Regulations. We would prefer the developer to be able to demonstrate that the Building Regulations requirements, in particular Part O, will not be compromised by the need to keep windows closed for noise mitigation; the default position for Part O is to rely on opening windows.
- The various environmental factors required to provide a healthy and safe home interact with each other so cannot be considered in isolation. As stated by RandTech any air input to habitable rooms should be from the rear of the building to minimise pollution levels.
- The amendments to the application do not significantly change our previous comments.



#### Reconsultation 04/11/2022

- Revised Construction Management Plan (Rev C) reviewed.
- More information about the risk rating methods for dust and noise emissions from the site but no risk assessments have been carried out.
- It has not been shown that the proposed mitigation measures are proportionate to the risk.
- A condition to secure provision of a CMP can be accepted.

#### 5.4 **Environmental Care (EC)**

- The bin storage on the plans isn't very clear but I think it says 1 x 660L and 1 x 960L? I can't find any mention of waste provision in the design and access statement.
- For 5 properties - 900L of refuse and 900L of recycling in total (180L of each for each tax liable dwelling). Therefore if it is 660L and 960L bins there is not sufficient capacity.
- NNC offer an alternate fortnightly refuse and recycling collection, but not 'bespoke' collection arrangements for blocks of flats.
- I believe the location of the bin store is also up a slope, therefore this location for a communal bin store is not acceptable from a health and safety perspective.
- Individual 180L and 240L wheeled bins must be brought kerbside by the resident for collection and returned to the storage point on their property between collections.
- If a communal bin is issued to a block of flats the bin store cannot be any further than 20m from the public highway/collection point. The bin must be stored on flat hardstanding and the route from the bin store to the RCV must be hardstanding, flat and free from any obstructions (e.g. parked vehicles). There must also be a dropped kerb in place for the crew to safely wheel the bin from the footpath to the RCV.
- The maintenance and cleanliness of the bin store is the responsibility of the developer/managing agent and it is also their responsibility to educate their residents on what goes in each bin and to solve any contamination issues that may arise at their own cost. NNC will not empty any contaminated bins.

#### Reconsultation 24/08/2022

- The bin storage here is still unacceptable. The bin store is obstructed by a parking space and it is still located up a slope. This does not adhere to our health and safety policy for our collection crews.
- If this is the only location for the bin store the residents will be supplied with individual wheeled bins for which they will be responsible for presenting and returning to the bin store. If bins are not returned to the store in a timely manner the resident/managing agent may be subject to enforcement action. If residents are unable to present their bin due to the access route being obstructed by a vehicle we will not return to empty before the next scheduled collection nor will we take any excess waste.

#### Reconsultation 05/10/2022

- No comments received at the time of writing this report.

#### Reconsultation 04/11/2022

- No comments received at the time of writing this report.

### 5.5 Local Highway Authority (LHA)

- Observations and comments.
- London Road is a principal road, part of the strategic network and as such, any delays on it must be minimised.
- For 5 no. dwellings, 6 car parking spaces are required – 1 per 1 bed, 2 per 2 bed.
- 3 parking spaces are proposed. It is acknowledged to be in a town centre location with good public transport links.
- 2 spaces are as existing accessed directly off London Road with one via the shared private drive. The LHA would seek clarification on the total number of dwellings whose parking is served by the shared private drive off London Road (i.e. existing and proposed).
- The maximum number of dwellings permissible to be served off a shared private drive is 5 (this is defined by the access to the car parking for a maximum of 5 dwellings).
- The shared private drive is also substandard with respect to width – required to be a minimum of 4.5m for the first 10m from the highway boundary – and the sighting of the surrounding buildings means there is no space to provide pedestrian visibility splays. The LPA must take a view on the above.
- Each dwelling requires 1 secure, covered cycle parking space per bedroom. A provision of 8 no stands is noted. It must be secure, covered and overlooked. The location suggests there may be difficulty in returning/removing bikes in the event a car is parked in the proposed car parking space.

#### Reconsultation 24/08/2022

- 6 dwellings equates to 8 car parking spaces – 1 per 1 bed, 2 per 2 bed.
- Clarification should be provided as to how and where the parking for all plots will be provided bearing in mind minimum parking requirements as per Northamptonshire Parking Standards (2016) and the policy requirement of no more than 5 dwellings served off a shared private drive.
- The proposals result in an intensification in use of the existing access off London Road. The shared private drive is also substandard with respect to width – required to be a minimum of 4.5m for the first 10m from the highway boundary – and the sighting of the surrounding buildings means there is no space to provide pedestrian visibility splays. The LPA must take a view on the above.
- The location of the cycle stands suggests all bikes must pass through the driveway associated with plot 3.

#### Reconsultation 05/10/2022

- All previous comments maintained.

Reconsultation 04/11/2022

- All previous comments maintained.

5.6 **Northants Police**

- This area of Kettering has historically and periodically still does suffer from incidences of robbery, burglary, theft from Motor vehicles, and theft of motor vehicles, criminal damage and issues of anti-social behaviour. Due to the location of the site, designing out crime should be high on the list of sustainable priorities.
- Northamptonshire Police is unable to provide specific comment to the proposed application due to a lack of information at this time. Please approach the applicant for information regarding security and crime prevention.
- The tandem side parking spaces would need to be for one household, due to the need for one car to move before the other can.
- Often where parking provision for a development is inadequate or not conveniently located, residents and visitors will park on verges and streets that have not been designed for that purpose, which can (and does) lead to neighbour disputes and inappropriate parking, clutters up residential roads and can cause access issues for emergency vehicles such as fire engines and ambulances.
- It also leaves cars more vulnerable to crime, as well as requiring residents to leave their vehicles some distance away from their dwelling potentially making the resident more vulnerable.
- Details of how bike and bins store will be secure should be provided.
- Informative: The application must meet the requirements of Part Q building regulation 2015 in relation to security as stated by the regulation. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a material change of use. All doors and windows in domestic dwelling, including individual apartment doors should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products.

Reconsultation 24/08/2022

- Comments as before.

Reconsultation 05/10/2022

- No further comments.

5.7 **Community Fire Protection Department**

- Plots 1 and 4 require escape windows in each of the bedrooms for each flat, as escape from those rooms is through the lounge/kitchen areas to get to the front door.
- Plot 3 the two storey flat, the same as the first ones will require escape window for the bedroom, or just extend the stairs to the front door and put a door into the living room.

- Number 6 second floor escape windows are not allowed. The kitchen is right by the front door, which is not in line with the building regs that say a kitchen should be as far away from the escape route as possible. It may have a small, enclosed hallway directly outside the bedroom but that is of no use as an escape window isn't allowed from the bedroom, it may be mitigated by a watermist (plumis style) system in the lounge/kitchen area, but that's down to building control. So the internal layout of that flat is a problem.
- Plots 2 and 5, no issues, all rooms go into a hallway which is the preferred layout.

Reconsultation 24/08/2022

- Comments as before.

Reconsultation 05/10/2022

- Although previous comments remain unchanged the applicants have included a statement regarding fire safety: I did not 'require' the watermist system, that was a suggestion to mitigate the means of escape issue.
- It will be for Building Control to require (or not) a system.

5.8 **Office of Police, Fire and Crime Commissioner**

- No comments received.

Reconsultation 24/08/2022

- No comments to make.

Reconsultation 05/10/2022

- No comments to make.

Reconsultation 04/11/2022

- No comments to make.

**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 Legislation

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

6.3 National Policy

National Planning Policy Framework (NPPF) (2021)

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 12. Achieving well-designed places  
Policy 16. Conserving and enhancing the historic environment

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

Policy 1. Presumption in Favour of Sustainable Development

Policy 2. Historic Environment

Policy 6. Development on Brownfield Land and Land Affected by Contamination

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network of Urban and Rural Areas

Policy 22. Delivering Economic Prosperity

Policy 23. Distribution of New Jobs

Policy 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

6.5 Kettering Town Centre Area Action Plan

12. Heritage Conservation & Archaeology

23. The Cultural Quarter

## **7. Evaluation**

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The key issues for consideration are:

- Principle of Development
- Visual Impact, the Conservation Area and the setting of a Listed Building
- Impact on Neighbouring Amenity
- Highway Matters
- Energy Efficiency and Sustainable Design
- Biodiversity Net Gain and Contamination

### **7.1 Principle of Development**

- 7.1.1 The application site is located in an edge of town centre location in the centre of Kettering, in the Conservation Area and in close proximity to the Grade II listed former Dalkeith Works shoe factory. The site is defined as being in the Cultural Quarter by the Kettering Town Centre Area Action Plan.
- 7.1.2 When considering whether to grant planning permission for development which affects a listed building, Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.1.3 Section 72(1) of the Act requires Local Planning Authorities have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.1.4 Policy 16 of the National Planning Policy Framework requires Local Planning Authorities to look for opportunities for new development within Conservation Areas to enhance and better reveal their significance.
- 7.1.5 Policy 23 of the Kettering Town Centre Area Action Plan defines the Cultural Quarter as being the southern gateway to the town centre, comprising community, cultural and leisure uses with redevelopment seeking to support the vitality and viability of the town centre.
- 7.1.6 The principle for residential development within the confines of a town is consistent with Policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) and guidance contained within the National Planning Policy Framework (NPPF) which seeks to focus development within towns in the interest of sustainability and to safeguard rural areas.
- 7.1.7 The National Planning Policy Framework recognises that residential development often plays an important role in ensuring the vitality of town centres. In addition, Policy 6 of the North Northamptonshire Joint Core Strategy seeks to promote and support the development of under-utilised land and buildings such as this, with the building having been vacant for a period of time.

- 7.1.8 Policy 11 of the North Northamptonshire Joint Core Strategy directs development towards the growth town of Kettering, as a focal point for development. Policies 6 and 29 of the North Northamptonshire Joint Core Strategy assert that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.
- 7.1.9 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of extensions to residential properties provided there is no adverse impact on character and appearance, residential amenity and the highway network.
- 7.1.10 The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

## **7.2 Visual Impact, the Conservation Area and the setting of a Listed Building**

- 7.2.1 When considering whether to grant planning permission for development which affects a listed building, Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.2.2 Section 72(1) of the Act requires Local Planning Authorities have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.2.3 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.
- 7.2.4 Policy 2 of the North Northamptonshire Joint Core Strategy requires new development to complement the surrounding historic environment through form, scale, design and materials.
- 7.2.5 The proposal is for a three-storey rear extension, first and second floor rear extensions above an existing rear store, conversion and alteration of the existing two-storey detached garage, and conversion of the existing ground floor to create 1 no. create 1 no. 2 bedroom, 4 person (2b4p) apartment (Plot 1), 4 no. 1 bedroom, 2 person (1b2p) apartments (Plots 2, 3, 5 and 7) – plus an extension to Plot 6 which is an existing second floor 1 bedroom, 2 person (1b2p) apartment.
- 7.2.6 Plot 4 is an existing first floor 2 bedroom, 4 person (2b4p) apartment with the only changes being the relocation of the entrance door and reconfiguration of the kitchen layout to provide access via the retained rear staircase, due to the loss of the existing entrance as a result of the proposed three-storey rear extension. No alterations are proposed to the existing façade of the building.

- 7.2.7 The proposals are located to the rear of the existing building and will be contained within the current site boundaries. They will not be visible in public realm views in London Road due to the proximity of the adjacent buildings, but will be seen in glimpsed views from Green Lane to the northwest of the application site.
- 7.2.8 The proposals have been designed to be no taller than the existing building on site with the second floor element of the rear extension being contained within the roof void. 2 no. eaves dormers are proposed in the side (northwest) elevation facing No.1 London Road and into the car parking area. The proposal has been designed to be sympathetic to the style and design of the existing building and with fenestration spaced and designed to compliment the existing fenestration.
- 7.2.9 It is considered that, subject to the proposals being built out in accordance with the submitted plans and in materials to match those on the existing property, both of which can be secured by condition, the proposal complies with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy and Sections 66(1) and 72(1) of the The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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

- 7.3.1 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, when considering whether to grant planning permission for development which affects a listed building
- 7.3.2 Section 72(1) of the Act requires Local Planning Authorities have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.3.3 The National Planning Policy Framework in Policy 12, paragraph 130(f) seeks to ensure that development creates places with high standards of amenity for existing and future users. (overbearing/sense of enclosure).
- 7.3.4 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.
- 7.3.5 Policy 30 of the North Northamptonshire Joint Core Strategy requires new development to meet Category 2 of the proposed National Accessibility Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities.
- 7.3.6 The proposal is for a three-storey rear extension, first and second floor rear extensions above an existing rear store, conversion and alteration of the



existing two-storey detached garage, and conversion of the existing ground floor to create 1 no. 2 bedroom, 4 person (2b3p or 4p) apartment (Plot 1), 4 no. 1 bedroom, 2 person (1b2p) apartments (Plots 2, 3, 5 and 7) – plus an extension to Plot 6 which is an existing second floor 1 bedroom, 2 person (1b2p) apartment.

- 7.3.7 Plot 4 is an existing first floor 2 bedroom, 4 person (2b3p or 4p) apartment with the only changes being the relocation of the entrance door and reconfiguration of the kitchen layout to provide access via the retained rear staircase, due to the loss of the existing entrance as a result of the proposed three-storey rear extension.
- 7.3.8 The existing building is located at the edge of the town centre with a shared residential and commercial parking area to the rear. The area surrounding the site includes mixed commercial and residential uses of similar style and height immediately adjacent to the application site but becoming predominantly residential and varying in age and style southwards away from the town centre.
- 7.3.9 With respect to the neighbouring occupiers of the site, objections have been received from Herrington House Care Home at No.5 London Road. Objections have also been received from Kettering Town Council and comments that the proposal cannot be supported have been received from Environmental Health. The issues raised by each are discussed below:
- 7.3.10 Neighbour Issues. Herrington House Care Home at No.5 London Road has objected in respect of disturbance due to comings and goings and blocking light to 3 no. residents bedrooms and the kitchen.
- 7.3.11 Herrington House is a large two-storey building providing residential care. The proposed entrances to all existing and proposed units for the proposal are in the side (southeast) elevation facing No.5. However, No.5 has a predominantly blank flank wall facing the application site opposite the siting of the proposed entrances, with the existing buildings being separated by an existing driveway. As such, it is considered that this distance is such that it will not lead to an adverse impact on the amenities of the occupiers of No.5 London Road in terms of noise and disturbance.
- 7.3.12 The proposed rear extensions do not contain openings facing No.5, save for openings at first and second floor level in the access staircases. The proposed extensions are to the rear of the main building on site and do not extend past their side (southeast) elevation due to the location of the existing driveway and garage.
- 7.3.13 The first and second floor extension above the existing flat roofed rear element is in line with the existing side (northwest) elevation of No.5. The bedrooms and kitchen of concern are located in the perpendicular addition to the rear of No.5 which oppose the existing garage at the application site. The windows in No.5 face northwest and therefore due to the relationship with the path of the sun any loss of light to these windows is due to the existing built form and

will not be due to the proposals due to the separation distance. There will also not be any issues in relation to overbearing or a sense of enclosure due to the separation distance between the location of the proposals and the existing built form at No.5.

- 7.3.14 It is considered that subject to a condition limiting the staircase openings to be fixed shut and obscure glazed below 1.7 metres above floor level, this will allow for sufficient light and ventilation to the staircases in the proposal while restricting any overlooking or a loss of privacy to the occupiers of No.5. An additional condition will be added to require the development to be built out in accordance with the submitted plans in the interests of safeguarding privacy and light for both existing and future occupiers. It is not necessary to add a condition removing permitted development rights for any further openings as flats and apartments are not subject to permitted development rights.
- 7.3.15 With respect to other surrounding residential occupiers at No.1 London Road and Unit 2 Green Lane, it is considered that as the proposal do not lead to any adverse amenity impacts in terms of overbearing or a sense of enclosure, or a loss of daylight or sunlight. 2. no dormers face No.1 London Road but are located such that they face the perpendicular outrigger at No.1 which is set back from the main part of the building facing London Road. It is considered that the proposed openings have been sited such that they do not conflict with openings in the surrounding buildings, such that there will be no adverse impacts on privacy and overlooking. This is subject to conditions for the proposal to be built out in accordance with the submitted plans and to prevent any further openings in any elevation or roof plane.
- 7.3.16 As such, it is considered that subject to a condition for the proposal to be built out in accordance with the submitted plans, the proposal complies with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 12 of the National Planning Policy Framework.
- 7.3.17 Kettering Town Council. The town council has objected that the proposal is for a 7 flat development rather than the 6 described, represents overdevelopment, the units may be too small, access to bin storage is difficult, as well as endorsing comments received from Environmental Health regarding noise impacts and air quality.
- 7.3.18 As clarified above, the proposal is for 5 no. new apartments (Plots 1, 2, 3, 5 and 7), with a small extension to an existing second floor flat (Plot 6) and changes to the access for an existing first floor flat (Plot 4).
- 7.3.19 The town council have stated that the proposal represents overdevelopment but have not provided any specifics.
- 7.3.20 The proposed units satisfy the requirements in the Technical Housing Standards - Nationally Described Space Standards (March 2015), in terms of their Gross Internal Area and the bedroom sizes, with Plot 1 having the same floor area as existing Plot 4. Both of these units are in excess of the

requirements for 3 person units but just short of the requirement for 4 person units, although adequate bedroom sizes have been provided.

- 7.3.21 The site is similar in its location and requirements as Dalkeith House in Dalkeith Place, to the north of the site, for which planning permission was granted at appeal with the Planning Inspector opining in paragraph 5 that – ‘...given the constraints of the existing building, some flexibility is appropriate in relation to these standards.’ (Ref: KET/2018/0736, appeal ref: APP/L2820/W/18/3217498).
- 7.3.22 As such, is considered that the development proposed is acceptable for the site area proposed and would not lead to a loss of amenity to future occupiers in terms of the space provided.
- 7.3.23 With respect to the provision of outside amenity space, the site is located adjacent to the town centre, close to the facilities and amenities it offers, together with transport links as well as access to green spaces such as Meadow Road Recreation Ground, approximately 400m to the west of the site, and Manor House Gardens in Bowling Green Road, approximately 350 metres to the southwest. As such, it is considered that the proposed development is acceptable for the site area proposed.
- 7.3.24 The town council have also stated that the bins are not accessible where they are located, however the applicants have provided a secure bin storage area with a bin collection point at front of the site, abutting the back of the footpath. This is shown on the submitted plans and can be secured by condition.
- 7.3.25 As such, subject to a condition for the proposal to be built on in accordance with the submitted plans, it is considered that the proposal is acceptable, does not result in overdevelopment or lead to disamenity for future or surrounding occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 12 of the National Planning Policy Framework.
- 7.3.26 Environmental Health. Environmental Health has commented that they cannot support the proposal as they consider the submitted Construction Management Plan to be unsatisfactory, and there are concerns with noise, ventilation and air quality.
- 7.3.27 The Construction Management Plan submitted is not considered detailed enough to satisfy the requirements of Environmental Health. It is considered that the issues and omissions raised do not impact on the principle of the development at the site, sufficient to warrant a refusal, and can be subsequently addressed by way of a condition securing the requirement for full site specific details to be submitted for approval.
- 7.3.28 With respect to noise issues, the existing building abuts the back of the footpath in London Road and contains 2 no. existing flats at first and second floor levels which are at the front (southwest). Environmental Health has commented that noise sensitive rooms are in the noisiest part of the development, with the submitted noise report stating that satisfactory noise

levels could be achieved by keeping the windows closed. Environmental Health considers that this is likely to result in there being insufficient cooling ventilation, and that no alternative ventilation methods have been put forward.

- 7.3.29 With respect to the layout, the Plot most affected is Plot 1 which is at ground floor level at the front of the building, directly below the 2 no existing apartments (Plot 4 on the first floor, and Plot 6 on the second floor). The layout for Plot 1 reflects the layout of the existing apartments to ensure that similarly used rooms are directly above/below each other to minimise unnecessary noise transmission. As such, this means the bedrooms for Plot 1 are at the front.
- 7.3.30 It is considered that, due to the location of the site at the edge of the town centre, surrounded by a mix of uses which become more predominantly residential as you travel southwards, and which in isolation do not attract the night time economy, this proposal would not present a relationship different to that already experienced by the existing apartments and surrounding residential units in terms of noise. As such, it is considered that the proposal is acceptable and will not lead to disamenity for future or surrounding occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 12 of the National Planning Policy Framework.
- 7.3.31 Environmental Health has also raised an issue of Air Quality in particular in relation to the provision of habitable accommodation at the front of the existing building.
- 7.3.32 Currently there are 2 no. existing apartments at the front of the building at first and second floor level (Plots 4 and 6) and given the proximity of these and the proposed apartment (Plot 1) to the main artery road of London Road, it is acknowledged that there is potential for air quality issues in this area as a result of the road traffic use, although no evidence has been provided that implies air quality levels in this area have reached unacceptable levels which would be a risk to human health.
- 7.3.33 Given that the proposal is for the part conversion of an existing building to provide additional residential accommodation, the suggested mitigation cannot be retrospectively applied to the existing apartments facing onto London Road, and it is considered that, as the site and surrounding properties already have a residential use, it is accepted that this apartment would not present a relationship for future occupiers different to that already established and experienced by the surrounding residential units.
- 7.3.34 As such, it is considered an onerous requirement to provide air quality mitigation measures and it is considered that there will be no significant adverse impacts on the amenities of future and surrounding occupiers in terms of air quality, as a result of the proposals, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 12 of the National Planning Policy Framework.

#### 7.4 Highway Matters

- 7.4.1 Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.
- 7.4.2 The site currently has a right to park for 2 no. vehicles immediately to the rear of the existing rear boundary in a communal parking area shared by the occupiers of Nos.1 and 5 London Road, Unit 2 Green Lane and the unit to the rear of No.41 Tennyson Road. An additional parking space is provided at the front of the building in front of the existing garage.
- 7.4.3 The submitted scheme incorporates all three of these spaces for the proposal plus the existing 2 no. apartments. No.5 has objected regarding limited space to the back of their property for staff parking which could make access worse.
- 7.4.4 The submitted scheme reuses the existing 2 no. parking spaces at the rear of the property in the communal parking area. As the proposal proposes no change to the parking provision at the rear of the site and its use, it is considered that there will be no change in the current circumstances which remain acceptable.
- 7.4.5 The town council has objected that the existing parking space at the front of the site, which has been set aside for Plot 3 on the submitted plans, is not appropriate as it requires the driver to reverse out onto London Road. This is an existing parking space with a dropped kerb onto the highway in London Road and as such, any user of the space is equally likely to reverse into the space and drive out, and it can be used without reference to this planning application.
- 7.4.6 With respect the number of spaces provided, this is less than required by the Local Highway Authority for the proposed apartments – 2 spaces per 2 bed unit and 1 space per 1 bed unit – and as such, the Local Highway Authority has requested a Parking Beat Survey be carried out to establish whether there would be capacity in the surrounding streets for any on-street parking, although they acknowledge the proximity of the site to good transport links. The applicants have also provided secure cycle storage for 7 no. bikes to be stored in front of Plot 3 behind a lockable access gate.
- 7.4.7 As the site is located in a sustainable location abutting the town centre and in close proximity to alternative means of transport such as bus and train services, the provision of parking for the proposal can be more flexible.
- 7.4.8 Due to the proximity to the town centre and traffic lights on the opposite (southwest) side of the road, the opposite highway has double yellow lines along the side of the carriageway in both north and south directions. Outside the application site on the (northeast) side of the road there are double yellow lines leading northwards towards the town centre. Away from the town centre, there are single yellow lines leading southwards. Although this prevents on-street parking immediately outside of the site, there is a short area of restricted on-street parking outside No.25 London Road and part of the United Reformed

Church, which allows 30 minutes parking between 8am and 6pm Monday to Saturday and is unrestricted outside of these times. There is also the London Road Car Park which is chargeable between 9am to 3pm Monday to Thursday and 9am to 6pm Friday and Saturday and free at other times.

7.4.9 The site is similar in its location and requirement for parking to Dalkeith House in Dalkeith Place, to the north of the site, for which planning permission was granted at appeal with the Planning Inspector opining in paragraph 9 that – *‘...having regard to the small size of the proposed apartments and highly sustainable location of the site close to public transport and amenities, the consequent likelihood that as a result not all occupants will own a car, it is my view that the proposal would be unlikely to result in an adverse impact on the local area through increased parking demand’* .(Ref: KET/2018/0736, appeal ref: APP/L2820/W/18/3217498).

7.4.10 As such, it is considered that there is parking provision within a reasonably short distance from the application site which can provide parking for future occupiers, although the town centre location, the provision of cycle parking, on site, and proximity to public transport, means that this is not a necessary requirement. It is therefore considered that as there is available parking in the vicinity of the site, a Parking Beat Survey would be an unnecessary and onerous requirements on the applicants, and that the proposal will not significantly affect the requirement for parking in edge of town centre location and as such, the proposal complies with Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy.

## 7.5 Energy Efficiency and Sustainable Design

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

7.5.2 Policy 30 of the North Northamptonshire Joint Core Strategy requires new development to meet Category 2 of the proposed National Accessibility Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities.

7.5.3 Kettering Town Council has objected on the basis of no renewable energy statement being provided. Information in this regard can be required by condition to ensure compliance with the limitations for water use.

## 7.6 Biodiversity Net Gain and Contamination

7.6.1 The Environment Act 2021 acts as the framework for environmental protection with a provision that in due course all planning permissions will be subject to achieving a net gain for biodiversity prior to the commencement of development.

- 7.6.2 Policy 4 of the North Northamptonshire Joint Core Strategy seeks to protect biodiversity and enhance the local and natural environment by securing a net gain where possible, which is consistent with Paragraph 174 of Policy 15 of the National Planning Policy Framework.
- 7.6.3 Although no details have been submitted in this regard, the proposal is enclosed within the existing site boundary, which due to the edge of town centre location and the previous commercial use at the site as a jewellers, contains no outside green space. While the proposal will not deliver a biodiversity net gain, a net loss would also not be delivered. As such, the proposal is considered to be acceptable.
- 7.6.4 With respect to contamination at the site, Environmental Health has not commented on this, and it is considered that, as the site is wholly previously developed, further site investigations into potential land contaminants are not considered necessary.

## **8. Other Matters**

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- 8.1 None.

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

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- 9.1 Subject to the imposition of conditions as detailed above, the proposal complies with policies in the Development Plan and with national planning objectives.

## **10. Recommendation**

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10.1 The proposal is recommended for conditional approval.

## **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 the interests of visual and residential amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Prior to the commencement of development a 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 construction.

REASON: The details are required prior to commencement of development because the CMP needs to be in place and in force throughout the construction period and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

4. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

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

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

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

7. The apartments hereby approved 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 sustainability and energy efficiency in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

8. The first and second floor staircase windows of the development hereby approved shall be obscure glazed and fixed shut up to a level of 1.7 metres above floor level, and thereafter retained in that form.

REASON: In the interests of the amenities of the occupiers of No.5 London Road in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## 12. Informatives

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Positive/Proactive - amendments  
 Advice regarding encroachment  
 Construction Management Plan - 1  
 Construction Management Plan - 2

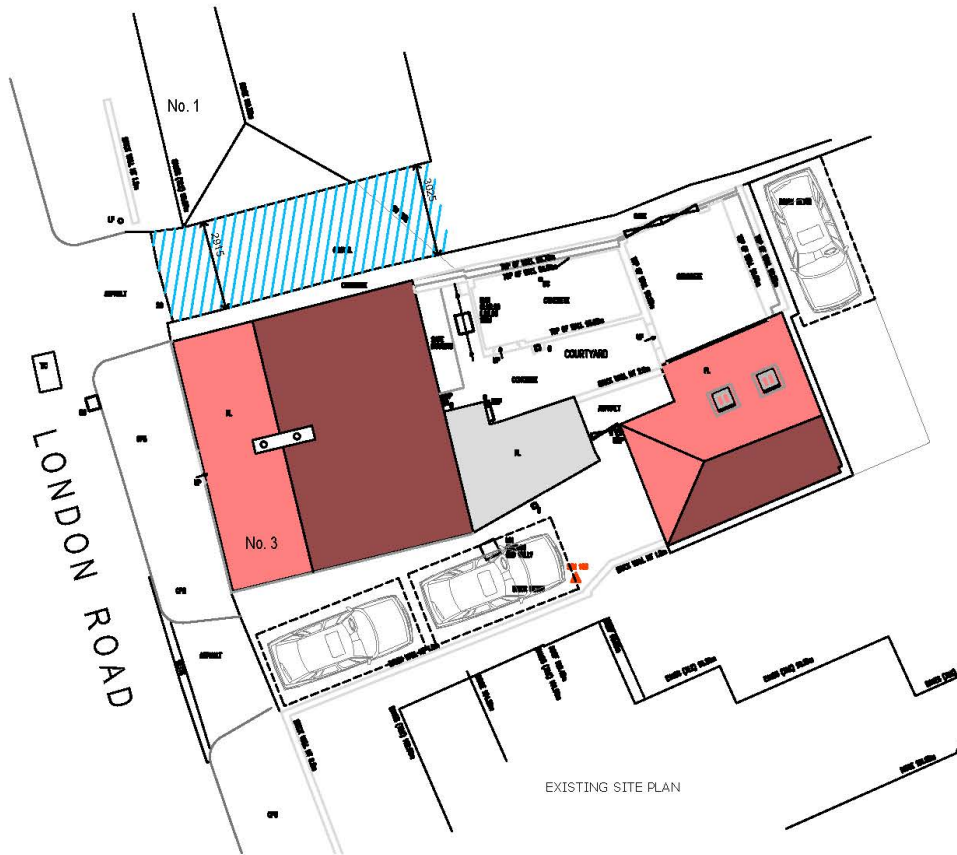
List of plans

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, block, proposed elevations, ground, first & second floor plans		2008-002J	03/11/2022
Location & block plans	NK/2022/0425/1		04/07/2022
Location, block, existing elevations, ground, first & second floor plans		2008-001D	25/06/2022
Noise Air Assessment		MDR_J4962a	25/06/2022
Construction Management Plan		VJS/RevC	03/11/2022
Design & Access Statement		VJS_2008_DAS_RevB	25/06/2022



# LAND AT 3 LONDON ROAD, KETTERING NN16 0EF

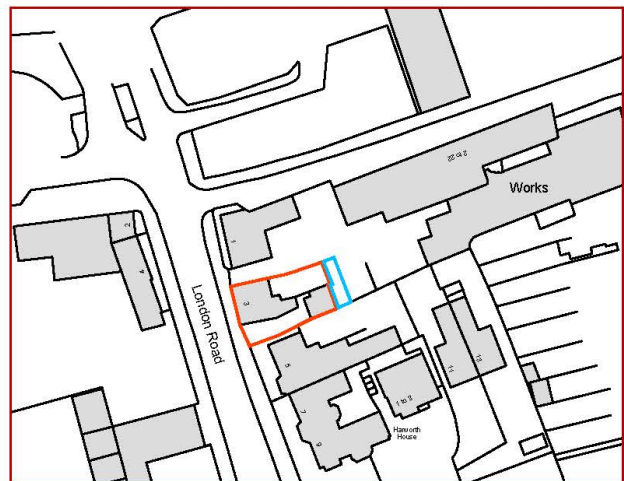


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## Site Block Plan

Scale: 1:500

**VJS Projects Ltd**  
Architecture & Construction Management  
2nd Floor, 181 Queensway, Bletchley, Milton Keynes  
Buckinghamshire, MK2 2DZ  
T: 01908 771285  
E: info@vjs-mk.co.uk



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## Site Location Plan

Scale: 1:1250

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## Appeal Decision

Site visit made on 6 March 2019

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3 April 2019**

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**Appeal Ref: APP/L2820/W/18/3217498**

**Dalkeith House, Dalkeith Place, Kettering, Northants NN16 0BS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Duggal against the decision of Kettering Borough Council.
  - The application Ref KET/2018/0736, dated 18 September 2018, was refused by notice dated 21 November 2018.
  - The development proposed is the conversion / division of the 1<sup>st</sup> and 2<sup>nd</sup> floors of public house to 6 no. apartments.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the conversion / division of the 1<sup>st</sup> and 2<sup>nd</sup> floors of public house to 6 no. apartments, at Dalkeith House, Dalkeith Place, Kettering, Northants NN16 0BS, in accordance with the terms of application ref: KET/2018/0736, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
  - 2) This permission shall relate to the following plans: 1:1250 location plan, 24-18-02A (proposed plans) and 24-18-01 (existing plans).
  - 3) None of the apartments hereby permitted shall be occupied until the change of use of the ground floor of the building, permitted under ref: KET/2018/0738, has been undertaken in full.
  - 4) Prior to the occupation of any of the apartments hereby permitted full details of the cycle store and bin storage / collection areas shall be submitted to and approved in writing by the Local Planning Authority and fully implemented as approved. Those areas shall thereafter be retained as such.
  - 5) Prior to the occupation of any of the apartments hereby permitted, two bat boxes / bricks / tubes shall be installed on the external walls of the building (facing in a south-easterly or south-westerly direction) in accordance with the recommendation of The Astute Ecology Bat Emergence and Re-entry Surveys, Ref: AE.18.209.
  - 6) Prior to the installation of any new gate to the rear yard or the first occupation of any of the apartments hereby permitted (whichever is first), details of the replacement gate, including details of an entry system and new ground floor door shall be submitted to and approved in writing by the

Local Planning Authority and fully installed as approved. They shall thereafter be retained as such.

- 7) No window(s) or door(s) shall be changed or replaced, including replacement glass or secondary glazing, unless full details have first been submitted to and approved in writing by the Local Planning Authority. Any works shall be carried out in accordance with the approved details.

### **Main Issue**

2. The main issue is whether the proposal would provide a satisfactory environment for its occupiers and be compatible with the local area having regard to space standards and the provision of car and cycle parking.

### **Reasons**

3. The appeal site comprises a three storey vacant public house building. It is a distinctive building with steps leading up to a tri-arched columned entrance with feature balcony set between large bay windows. There are further large feature windows to both sides and rear elevations, with tall chimneys. The second floor accommodation is set within the roofspace and is served by small dormer and other gable end windows. The building has been extended to the rear with single storey flat roofed additions with gated rear service yard. Permission has been recently granted for the change of use of the ground floor from nightclub to A1, A2 or A3 purposes (Ref. KET/2018/0738).
4. The site is located in the town centre occupying a prominent corner location at the junction of Dalkeith Place and Horse Market within the Kettering Conservation Area. The area is a busy main road in the town centre with a number of retail and commercial units within the vicinity and a bus interchange on Horsemarket opposite the site.
5. The proposal would provide mainly one bed apartments, with one two bed. The Council suggests that four of the one bed apartments fall short of the Nationally Described Space Standards (NDSS) for one bed two person flats. The appellant has clarified that these units are one bed one person apartments which do comply with the relevant NDSS. Based on the information provided I agree that this would be the case. I also note that given the constraints of the existing building, some flexibility is appropriate in relation to these standards.
6. The appellant has suggested that this could be 'the basis of a condition' but did not specify any wording. Any permission granted would relate to the approved plans thus controlling the size / layout of the apartments. If what is meant is a condition to limit occupancy, I am not convinced that it would actually be necessary given the size of the one bed apartments and that they are designed for one person occupancy.
7. With regard to car parking, no on-site provision would be made. The Highway Authority (HA) state that the Northamptonshire Parking Standards (2016) (NPS) require one space per one bed flat but do allow some flexibility for sustainable locations. The HA considers that there will be demand for some parking, be it for residents or visitors, and that the proposal should be accompanied by information to demonstrate how such demand would be satisfied. The HA suspect that there is high parking stress on the marked bays in nearby roads and therefore recommended that the application be supported by a parking beat survey.

8. The appellant has provided information in response to this matter, albeit not a parking beat survey as the HA suggested. Reference is made to a public car park in the vicinity of the site that provides free parking from 6pm to 9am and all day on Sundays and Bank Holidays. Restricted parking is also available along Carrington Street, which runs along the southern side of the appeal site. Parking is only permitted for one hour from 8am till 6pm in the marked bays and at the time of my site visit there were a number of available spaces. Whilst I note the HA's concerns, and I appreciate that the situation is likely to be different in the evening when residential parking could be expected to be at its peak, I also saw that many of the properties along this road are commercial, with at least some off street parking provision. A large flatted development also had the benefit of off road parking and there were few residential properties with no off-street parking.
9. Taking all the above factors into account, in particular having regard to the small size of the proposed apartments and highly sustainable location of the site close to public transport and amenities, and the consequent likelihood that as a result not all occupants will own a car, it is my view that the proposal would be unlikely to result in an adverse impact on the local area through increased parking demand.
10. In respect of cycle parking, the appellant has provided an amended plan to show that additional areas on the ground floor adjacent to the proposed cycle store would be made available to serve the development. This would also provide an alternative access to the cycle store via the rear yard. A large bin store area accessed directly off the rear yard is also indicated, which in my view, would be more than adequate to cater for the number of bins needed. A condition to require full details of these areas together with details of a bin collection point would in my view overcome the concerns expressed by the Council in this regard.
11. Overall, I find that the proposal would provide a satisfactory residential environment and appropriate provision for cycle and bin storage, nor would it adversely affect the area through increased parking demand. I consider that it would not be an overdevelopment of the site and therefore find that the proposal would accord with Policy 8 of the North Northamptonshire Joint Core Strategy (2016) (CS) which sets out a number of place shaping principles, including that development should ensure a satisfactory means of access, parking and servicing; create adaptable, diverse and flexible places by mixing land uses and densities, ensuring that people can move easily between and through them by non-car modes, and ensure a quality of life by not resulting in an unacceptable impact on the amenities of future occupiers or the wider area.
12. I also find that it would comply with the National Planning Policy Framework, in particular paragraphs 85, 105, 118 and 127 which, amongst other things, recognise the important role that residential development can make to ensuring the vitality of town centres, promote development that creates high quality places and buildings that are sympathetic to local character whilst not preventing or discouraging appropriate change, and that development is focussed on locations that limit the need to travel and offer a genuine choice of transport modes, whilst making effective use of under utilised sites.

## **Other Matters**

13. As noted above the site lies in the conservation area with the building occupying a prominent location along one of the main streets within it. The proposal will assist in the refurbishment of this distinctive building and provide an active and appropriate use that will add to the vitality of the area. In my view this would result in an enhancement to the character and appearance of the area. This would accord with CS Policy 2 and the Framework.
14. The appeal application is accompanied by an ecology report which concludes that whilst the building is suited to use by bats, there is currently no occupation. The installation of bat boxes is recommended to provide suitable mitigation should any such use commence, the provision of which can be secured via condition.

## **Conclusions**

15. Overall I find that the proposal would comply with the development plan and there are no material considerations that indicate otherwise.
16. With regard to conditions, in addition to referring to the approved plans in the interests of proper planning, a condition to seek details of any replacement of, or alteration to, any doors or windows is necessary to ensure that these are compatible with the character and appearance of the host building and conservation area. Full details of the cycle store and bin storage / collection areas, and replacement gate to the rear yard and ground floor side entrance door are required to ensure satisfactory provision and a safe and secure environment respectively.
17. I agree with the Council's suggested condition to prevent the residential use taking place until after the change of use to the ground floor area has been undertaken to ensure a satisfactory residential environment for the occupants. As noted above, a condition will also be needed to secure the installation of bat boxes / bricks / tubes as appropriate to minimise impacts on these protected species.
18. For the reasons set out above, I conclude that this appeal should be allowed and planning permission granted.

*P Jarvis*

INSPECTOR



## North Northamptonshire Area Planning (Kettering) Committee 17/01/2023

Application Reference	NK/2022/0477
Case Officer	Kirsty Harte
Location	7 Main Street, Ashley
Development	Full Planning Permission: Demolition of bungalow and erection of 1 no. dwelling
Applicant	Mr J Ward Walter Ward Country Homes Ltd
Agent	Mr T Bale J.E.D Design
Ward	Desborough Ward
Overall Expiry Date	29/09/2022
Agreed Extension of Time	

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

### **Scheme of Delegation**

This application is brought to committee because 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 Planning permission is sought for the demolition of bungalow and erection of 1 no. dwelling.

### **3. Site Description**

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- 3.1 The site, which is slightly elevated from the road, is located to the north of Main Street. The site immediately abuts St Marys Church a Grade I listed building. To the west along Main Street on the southern side are mostly bungalows, on the northern side are a mix of 2 storey houses and bungalows.
- 3.2 Opposite the site and to east is the historic core of the village with a number of listed houses, including the 3 neo-Gothic Victorian cottages (designed by EF Law). The Conservation Area lies immediately to the east and south of the application site.

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

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- 4.1 KET/2018/0139 – Demolition of existing property and construction of 1 no. dwelling with detached garage  
Withdrawn 09/11/2018
- 4.2 NK/2021/0581 - Replacement dwelling and garage/outbuilding  
Approved 03/11/2021

### **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 Ashley Parish Council**

Object on the following grounds;

- It is the opinion of the APC that the proposed development, on account of its overall size and scale coupled with its proximity to the church, is detrimental to the setting of the Grade 1 listed church while offering no material benefit to the village.
- Overdevelopment of a sensitive site
- The scale of the building and the proposed proximity to the church and church yard will mean the church will lose afternoon light and be in shadow.
- We question the proposed orientation of the house. All properties along Main Street front onto the street, whereas the front of the proposed property faces to the fields. While we acknowledge that this is not necessarily a material consideration, we are however concerned that the contrary orientation may be a veiled attempt by the developer to squeeze in a second property on the plot.
- We believe that the proposed development contravenes Policy RS4
- APC believes that this development, due to its size, scale and proximity to the church contradicts policies laid out in the Site

Specific Part 2 Local Plan. We believe that a development on this scale, in this location, would contravene the policies set out in ASH01.

- We are concerned that the curtilage of proposed development extends beyond the village boundary and strays into land with an agricultural use designation. On the plans provided it appears that rear boundary line (blue line) extends well beyond the village boundary. The garden area of any permitted development should remain within the village boundary.
- Several aspects of the proposed design also raise concern. The large amount of fenestration on the elevation facing the church we believe is likely to be detrimental to the setting of the church (especially when lit at night) and an unwelcome intrusion for visitors to the church and the graveyard.
- We would also like to draw attention to a number of issues relating to the quality of the submitted application which have made it more difficult to assess the true impact of the proposed dwelling on the setting of the church. The lack of a scale on the plans and proper visualisations represent a serious omission on the part of the applicants.
- The trees on the boundary with the church should be protected and preserved since they provide screening and privacy to the graveyard. The proposed development borders the newest and therefore busiest part of the graveyard.

#### 5.2 Neighbours / Responses to Publicity

15 letters of objection from 8 different households, raising the following points;

- Out of character design
- Scale and massing (too large).
- Positioning
- Out of character materials
- Obscure views
- Rear boundary in relation to the rear field

#### 5.3 NCC Archaeological Advisor

A programme of archaeological works to be secured by condition is recommended. A programme of Observation, Investigation, Recording, Analysis and Publication (OIRAP) to be undertaken during the groundworks phase of the proposed development is also applicable to the present application.

#### 5.4 Historic England

No objections on heritage grounds.

### **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)  
 National Planning Practice Guidance (NPPG)  
 National Design Guide (NDG) (2019)
- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)  
 Policy 1. Presumption in Favour of Sustainable Development  
 Policy 2. Historic Environment  
 Policy 3. Landscape Character  
 Policy 6. Development on Brownfield Land and Land Affected by Contamination  
 Policy 8. North Northamptonshire Place Shaping Principles  
 Policy 9. Sustainable Buildings  
 Policy 11. The Network of Urban and Rural Areas  
 Policy 13. Rural Exceptions  
 Policy 28. Housing Requirements  
 Policy 29. Distribution of New Homes  
 Policy 30. Housing Mix and Tenure
- 6.4 Site Specific Part 2 Local Plan  
 Policy LOC1. Settlement boundaries  
 Policy RS1. Category A villages  
 Policy RS4. Development in the Open Countryside  
 Policy RS5. General Development Principles in the Rural Area  
 Policy ASH1. Ashley Development Principles

## **7. Evaluation**

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The key issues for consideration are:

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

### **7.1 Principle of Development**

- 7.1.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 replaces section 54(A) of the Town & Country Planning Act 1990 and states that if regard is to be had to the development plan for the purpose of any determination under the Planning Act, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The Development Plan consists of the North Northamptonshire Joint Core Strategy (JCS) and the Site Specific Part 2 Local Plan.

- 7.1.2 The Council's adopted development strategy is to direct development in a hierarchical order. Development in the villages and open countryside will only be permitted under certain circumstances.
- 7.2.3 The application site lies within the designated village boundary of Ashley where development is considered appropriate, in accordance with saved policy 35 of the Local Plan for Kettering Borough and policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS). Policy 11 of the JCS directs development towards the market town of Desborough. Policy 29 of the JCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.
- 7.2.4 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example there should be no adverse impact on character and appearance, residential amenity and the highway network. These matters are considered further below.
- 7.2.5 The proposed development is located within the settlement boundary of Ashley and involves the replacement of a dwelling and is considered acceptable in principle, subject to the satisfaction of the development plan criteria as detailed below.

## 7.2 **Visual Impact**

- 7.2.1 Policy 12 of the NPPF requires good design while Policy 8 of the JCS requires new development to be of a high standard of design, architecture and landscaping and to create distinctive local character which respects and enhances the character of its immediate and wider surroundings.
- 7.2.2 The site is located adjacent to the church at the entrance to the most historic part of the village. There is no objection to the demolition of the bungalow as its design is not of particular architectural merit and it does not contribute to the character and appearance of the Ashley Conservation Area.
- 7.2.3 Consideration has been given to the siting of the dwelling to ensure that it does not compete with and detract from the appearance of the church. As a result, the proposed dwelling will be located further back than the existing building line and be set back from the highway by approx. 20m. While this sits at odds to criterion a) of policy ASH1 which envisages that new development should not be set back from the highway, for this specific site the benefit is that this will ensure that when approaching from the west the first view will be of the church in its entirety. The new house will also be sited to the west of the plot in a similar location as the existing property to ensure that the eastern part of the site remain opens retaining the open setting of the church and grounds as required by criteria d) which seeks retention of views of the church throughout the village.

- 7.2.4 The design of the dwelling incorporates elements of Gothic style found nearby the site, such as forward projecting gables with a steep pitch, as well as elements reminiscent of properties to the west, which also feature gables with a redbrick and ironstone finish. Local natural materials are proposed for the scheme to ensure all elements are reflective of its setting and surrounding built forms as required by policy ASH1. Taking the lead from Historic England on previous application, matching orange facing brick with ironstone plinth and panels with slate roof finish are proposed.
- 7.2.5 In addition, a single storey timber cart shed with extended roof sloped hipped end will sit unimposing or interruptive of any vistas. Furthermore, to the North Eastern corner a stone build garden stores is proposed to pre-empt the need for erection of a timber shed in the future.
- 7.2.6 The proposal seeks to reflect the width of the existing property in terms of build frontage, with modest two storey elevation. The two single wings located to the rear of the plot are of simple modest form with hipped roof slopes.
- 7.2.7 For the reasons detailed above the proposal is considered to be acceptable in relation to its impact upon the site's immediate and wider context and local character. The proposal is therefore, in accordance with Policy 12 of the NPPF, Policy 8 of the JCS and the principles of policy ASH1.

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

- 7.3.1 Policy 12 of the NPPF requires Local Planning Authorities to seek a high standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.
- 7.3.2 The replacement dwelling is larger than the existing property and includes a two storey element. There are two first floor window facing towards the adjacent house (no.5) but the two properties will be located far enough apart with a significant tree belt along the flank boundary to ensure no loss of privacy from overlooking or overbearing impacts.
- 7.3.3 To the opposite side of the dwelling there is no residential properties. The neighbouring site is occupied by the church.
- 7.3.4 There are no neighbours to the rear.
- 7.3.5 The proposal is therefore considered to be acceptable with regard to its impact upon residential amenity and in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

### **7.4 Heritage**

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1991 seeks to ensure special regard is to be given to preserving the significance of the architectural and historic interest of heritage assets. Chapter 16 of the National Planning Policy Framework (NPPF) sets out guidance relating to conserving and enhancing the historic environment. Paragraph 192 states that when considering applications the local planning authority shall take into account the desirability of sustaining and enhancing the significance of heritage assets and the new development making a positive contribution to the local character and distinctiveness.
- 7.4.4 Policy 2 of the JCS requires that proposed development conserve and, where possible, enhance heritage significance. Policy 8(d) of the JCS requires development respond to the site's immediate and wider context, to be of a high standard of design and landscaping and to respect and enhance the character of its surroundings.
- 7.4.5 It is considered that the proposal responds to its surroundings in terms of the building's scale, mass, detailing and materials. The proposed dwelling will therefore have only a negligible effect on the character, appearance and heritage value of the conservation area (equivalent to less than substantial harm and at the lowest end of that scale of effects as identified in the NPPF) and would not result in any harm to the heritage values of the adjacent listed buildings (the church and 3 cottages opposite). The proposal will not compete with the visual prominence or dominance of the Church and its relationship with the nearby listed buildings. There is the potential for the survival of archaeology dating from the medieval and post medieval periods within the site. An archaeological record of any disturbed archaeology will mitigate any potential impact and is proposed to be the subject of a condition.
- 7.4.6 The proposed dwelling is in line with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 2 of the JCS and is considered acceptable subject to details of materials and an archaeological record.

## **7.5 Highway Matters**

- 7.5.1 Policy 9 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and

not to have an adverse impact on the highway network nor prejudice highway safety.

- 7.5.2 The proposal involves the replacement of a dwelling using the existing access and the plans show adequate width, surfacing, gradient and drainage. There is sufficient space within the site to provide an additional two spaces to meet the Councils parking standards.
- 7.5.3 The proposal is therefore considered to be acceptable with regard to its impact the highway and in accordance with Policy 9 of the NPPF and Policy 8 of the JCS.

## **8. Other Matters**

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- 8.1 Concern was raised about the inclusion of a small parcel of land within the application site boundary which falls outside of the settlement boundary and is therefore in the open countryside. However, the red line includes the existing domestic curtilage only and nothing more.

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

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- 9.1 The proposed dwelling is sensitively sited and designed. The proposal will contribute positively to the setting of the Conservation Area, and setting of the nearby listed buildings. There will be no impact on residential amenity or highway safety Therefore, the proposals comply with the requirements of the North Northamptonshire Core Strategy Plan Policies and the underpinning principles of the National Planning Policy Framework 2021 and is recommended for approval.

## **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 development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in



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

REASON: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. No development above slab level shall take place on site until full details of all windows, doors, any verge detailing and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details are required prior to commencement of development in the interests of protecting the character and appearance of the Conservation Area and the setting of Listed Buildings in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

This written scheme will include the following components, completion of each of

which will trigger the phased discharging of the condition:

(i) fieldwork in accordance with the agreed written scheme of investigation;

(ii) post-excavation assessment (to be submitted within six months of the completion

of fieldwork, unless otherwise agreed in advance with the Planning Authority);

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

REASON: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

6. Prior to the commencement of development a 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 construction.

REASON: The details are required prior to commencement of development because the CMP needs to be in place and in force throughout the construction period and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

7. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or

Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

8. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

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

9. No earthworks or groundworks shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Finished Floor Levels are necessary to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. The apartments hereby approved 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 Document G - Sanitation, hot water safety and water efficiency (2015 edition).

REASON: In the interests of sustainability and energy efficiency in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy

## 12. Informatives

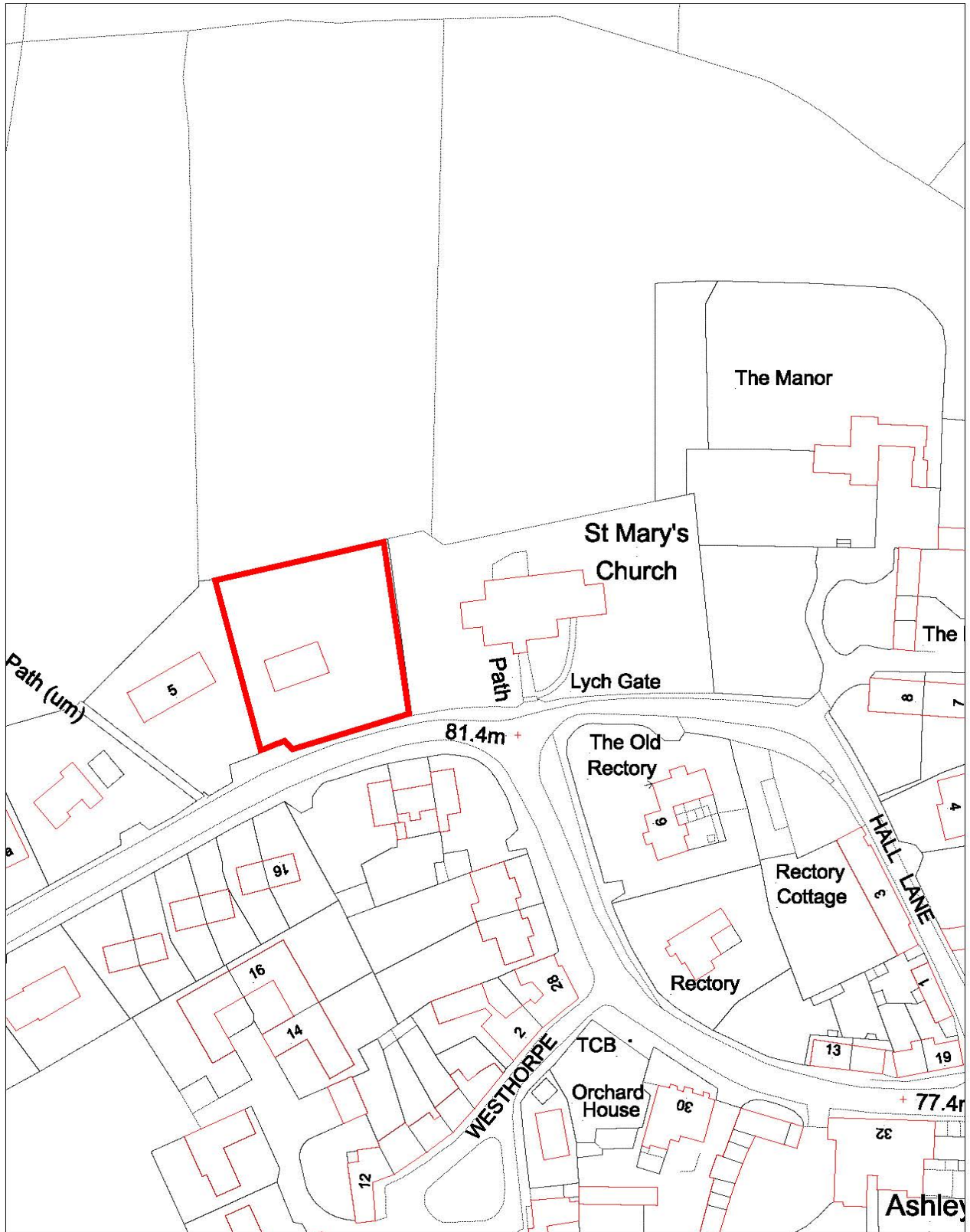
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List of plans

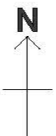
The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

<b>Title</b>	<b>NK Ref.</b>	<b>Agent's Ref</b>	<b>Received Date</b>
Location and block plans		3148-11	25/07/2022
Location plan, block plan, existing elevations and floor plan		3148-1	02/08/2022

Proposed elevations, ground and first floor plans		3148-10	25/07/2022
Proposed elevations, ground floor plans for outbuildings		3148-12A	04/08/2022
Proposed street scene		3148-14	02/08/2022
Design and Access statement		3148TMB/JED	02/08/2022
Heritage statement		3148TMB/JED	02/08/2022



Title: 7 Main Street, Ashley



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**North Northamptonshire Council**

Date: 04:01:23

Scale: 1:1250

Drawn by: Drawn by:

North Northamptonshire Area Planning (Kettering) Committee  
17/01/2023

<b>Application Reference</b>	<b>NK/2022/0614</b>
<b>Case Officer</b>	<b>Alan Chapman</b>
<b>Location</b>	<b>47 Station Road, Desborough</b>
<b>Development</b>	<b>Full Planning Permission: Replace windows with PVCU and insert four windows on West elevation</b>
<b>Applicant</b>	<b>Mr G Garcha</b>
<b>Agent</b>	<b>Mr M Brown Brown Boots Town Planning</b>
<b>Ward</b>	<b>Desborough Ward</b>
<b>Overall Expiry Date</b>	<b>23/11/2022</b>
<b>Agreed Extension of Time</b>	<b>20/01/2023</b>

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

## **Scheme of Delegation**

This application is brought to committee because the relevant town council has a material written objection and there is an unresolved, material objection 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: Replace windows with PVCU and insert four windows on West elevation

- 2.2 The proposed replacement windows in the front (north-west) and rear (south-east) elevations and the proposed new openings/windows (x4) in the side (south-west) elevation were to be of a predominately of a sliding sash design, with detailing, PVUC, and double glazed.
- 2.3 However, in response to the maintained objection from Desborough Town Council regarding loss of privacy and the proposed style is out-of-keeping with the conservation area, the Agent amended the proposed windows such that the new replacement PVUC double glazed windows are to be of the same style (e.g., first floor front elevation 3 paned with top openers) as the existing windows.
- 2.4 A short re-consultation was performed on the amended windows with the Town Council.
- 2.5 Background:
- 2.6 Prior approval (NK/2022/0304) was granted earlier this year for the conversion of this former commercial building into 6no. x 1-bedroom flats.

### **3. Site Description**

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- 3.1 The application site is a two-storey double fronted, brick build property which is vacant but previously was active for uses which fall within the newly formed Class E of the GDPO. The building has historically been used for various purposes which all fall into the E use Class. North Northants Council was formally the owner of the property and was formally landlord to tenants who operated within the E use Classes. The property is in the Desborough Conservation Area, on the south-east side of Station Road and adjacent to the Station Road / Havelock Street junction.
- 3.2 Constraints:  
Conservation Area  
Within Town Centre  
Within Desborough (DE5) Opportunity Redevelopment Site  
Adjacent to the Desborough (DE6) Opportunity Environmental Improvement Site

### **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>
KET/1976/0417	APPROVED	26-05-76	Unit B Council Offices Station Road Desborough Northamptonshire	Proposed change of use from offices to retail shop
KET/1976/0702	APPROVED	27-07-76	Offices Station Road Desborough Northamptonshire	Alterations to shop window
KET/1976/0816	APPROVED	27-08-76	Unit A Council Offices Station Road Desborough Northamptonshire	Change of use from office to studio
KET/1980/0008	APPROVED	22-02-80	Unit A Desborough Sub-Office Station Road, Desborough Kettering Northamptonshire	Change of use to shop for the retail sale of flowers and plants and other goods in connection with a florist's business and for the sale of ornamental giftware and pet food
KET/1980/0743	APPROVED	09-07-80	The Old Fire Station Havelock Street, Desborough Kettering Northamptonshire	Use of premises for car hire, office and preparation of hire cars
KET/1980/0756	APPROVED	11-07-80	Former Fire Station Havelock Street, Desborough Kettering Northamptonshire	Change of use to builder's store
KET/2012/0090	NOOBJECTION	28-03-12	47 Station Road, Desborough Northamptonshire	1 no. replacement equipment cabinet
KET/2013/0152	RETURNED	08-03-13	4A Havelock Street, Desborough Northamptonshire	Change of use to seamstress and light upholstery service (Sui Generis)
KET/2017/0157	WITHDR	23-05-17	47, 47A, 47B, Station Road, Desborough Northamptonshire	Replacement windows
NK/2022/0304	PN GRANTED	01-08-22	47, 47A, 47B Station Road, Desborough Northamptonshire	Conversion of 3 no. commercial units to 6 no. one bedroom flats

## 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

The Town Council wishes to object to the proposal on the grounds of privacy, and that the proposal is out of keeping with the Conservation Area.

**NB:** At the time of writing no response has been received following re-consultation on the latest amended plans.

### 5.2 Neighbours / Responses to Publicity

OBJECTION – 40 Thistle Drive, Desborough.

Reasons cited: This is in the Desborough conservation area. There is a fundamental change to the building contrary to KBC own comments regarding the conservation area, and rank hypocrisy as Historic England have not been consulted. If this is approved, then the department for Levelling Up must be called in.

**NB:** At the time of writing no response has been received following re-consultation on the latest amended plans.

## 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.

Legislation

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

### 6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

Policy 1: Introduction

Policy 2: Achieving sustainable development

Policy 4: Decision-making

Policy 12: Achieving well-designed places

Policy 16: Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)



- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)  
Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Historic Environment  
Policy 8: North Northamptonshire Place Shaping Principles
- 6.4 Kettering Site Specific Part 2 Local Plan (Adopted Dec. 2021)  
LOC1: Settlement Boundaries  
DES1: Desborough Town Centre Development Principles  
DES2: Opportunity Redevelopment Sites within Desborough  
DES3: Opportunity Environmental Improvement Sites in Desborough
- 6.5 Other Relevant Documents  
Conservation Area Appraisal

## **7. Evaluation**

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The key issues for consideration are:

- Principle of Development
- Heritage, Character and Appearance
- Impact on Living Conditions

### **7.1 Principle of Development**

- 7.1.1 The application site is within the Desborough Town Centre Boundary, the Desborough Conservation Area, the Desborough (DE5) Opportunity Redevelopment Site and fronts onto the Desborough (DE6) Opportunity Environmental Improvement Site that incorporates the entire length of Station Road.
- 7.1.2 In policy terms the redevelopment of this site into residential accommodation has previously been established as being acceptable by virtue of the prior approval scheme (NK/2022/0304). During the consideration of this prior approval changes to the fenestration were considered.
- 7.1.3 For the reasons set out below the principle of development is acceptable as it would enhance the building's appearance.

### **7.2 Heritage, Character and Appearance**

- 7.2.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.
- 7.2.2 Policy 16 of the NPPF requires new development to sustain and enhance the significance of heritage assets, requiring any harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including a clear and convincing justification for the harm. Paragraph 197 (Policy 16, NPPF) states that in determining application, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets *et al.*

- 7.2.3 Policy 2 of the North Northamptonshire Joint Core Strategy states that the historic environment be protected and enhanced where appropriate. Where the development would impact upon a heritage asset's setting, new development should complement the surrounding historic environment through the form, scale, design and materials.
- 7.2.4 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.
- 7.2.5 Policy DES1 of the Part 2 Local Plan requires development in the town centre to consider the re-introduction of detailing in the design of buildings, create attractive frontages and be of high architectural quality.
- 7.2.6 Policy DES2 of the Part 2 Local Plan supports the redevelopment of this site where it is of a high-quality mixed-use scheme.
- 7.2.7 Policy DES3 of the Part 2 Local Plan supports environmental improvements along Station Road that includes improvements to the frontages of buildings facing onto Station Road.
- 7.2.8 The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting from public vantage points where the public are able to view the assets. Their settings can extend well beyond the curtilage/area boundaries of the asset and do often include the physical historical landscape/townscape in which they (the asset) are set as their historical significance is usually tied with the legibility of the asset and the environment in which it was originally constructed.
- 7.2.9 The application building has been in a tired looking state for some considerable amount of time and its approved conversion into residential accommodation such that it comes back into active use and to have its exterior renewed is regarded as a positive contribution to the conservation area. Thus, the applicant had a choice to keep the existing tired windows, or whether to replace the tired looking windows with new like-for-like windows or to replace them with new sash style looking windows. As stated above the applicant has chosen like-for-like new windows in response to the Town Council's objection to their original sash style windows.
- 7.2.10 During the assessment of the prior approval (NK/2022/0304) application the proposed windows were considered at the time and were opined to be acceptable, and the windows proposed for NK/2022/0304 are very similar to the windows proposed in this NK/2022/0614 planning application.
- 7.2.11 On balance the superseded sash style windows and the amended like-for-like windows are both considered to be acceptable as either would enhance the building's appearance. In this case, the amended details are considered to be acceptable.

### **7.3 Impact on Living Conditions**

- 7.3.1 The proposed development would be beneficial to the living conditions of the future residents by providing a pleasant outlook, good sound insulation and good thermal efficiency for the retention of heat within the proposed flats. Existing occupiers opposite to the application site would also have their outlooks improved with the enhancement to the building's appearance by replacing the rather tired looking fenestration with new and high-quality fenestration.
- 7.3.2 The issue of privacy/overlooking is acknowledged. However, as one traverses along Station Road it is evident that there are existing residential properties facing on to the street with windows in their frontages and it is commonplace for views from residential properties facing each other across a busy street to be found in urban areas. Subject to a condition requiring windows serving bathrooms/toilets to be obscurely glazed then the privacy of existing and future occupants would be to acceptable standards. Furthermore, it is noted that residential properties facing directly on to a street often have clear glazing to their habitable room windows and where the occupant chooses, they install internal screening such as blinds, curtains et al, which is opined to be a reasonable and common practice for persons wishing for additional privacy.
- 7.3.3 For the reasons and conditions given the proposal accords with JCS Policy 8.

### **8. Other Matters**

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- 8.1 Neighbour comments: Objection: This is in the Desborough conservation area. There is a fundamental change to the building contrary to KBC own comments regarding the conservation area, and rank hypocrisy as Historic England have not been consulted. If this is approved, then the department for Levelling Up must be called in.
- 8.2 Historic England are not required to be consulted on for this type of application.
- 8.3 If planning permission is granted then to call in the Department for Levelling Up then it is opined this is a matter for the Head of Planning to consider.

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

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- 9.1 Subject to a condition concerning obscure glazing to bathroom/toilet rooms, then the proposed window details would not give rise to unacceptable privacy issues and would make a positive contribution to the conservation area. Therefore, the grant of planning permission is recommended.

### **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 drawings and details, all windows serving a bathroom or toilet shall be fully glazed with obscure glass and thereafter permanently retained as such.

REASON: To protect the privacy of the occupants in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## 12. Informatives

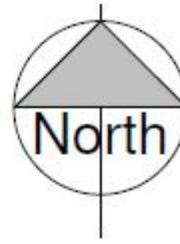
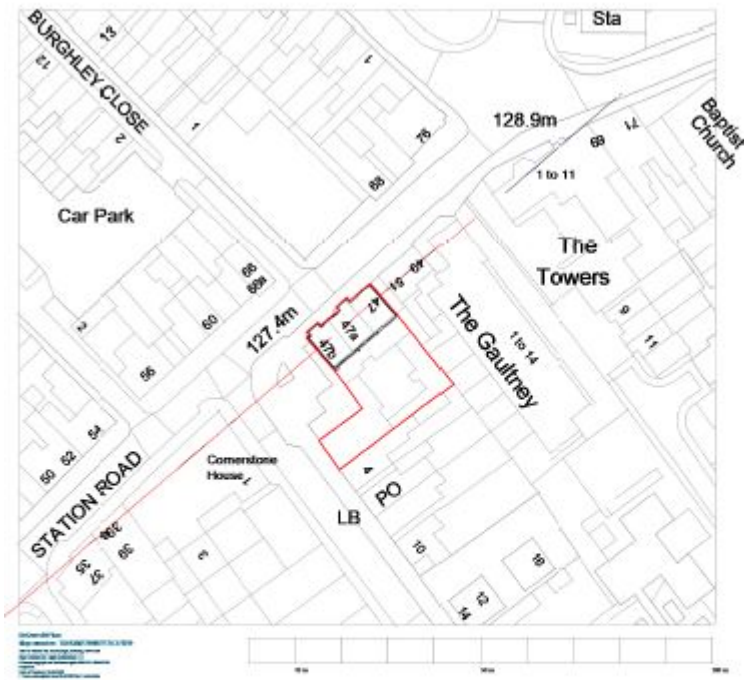
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Building Regulations consent required  
Positive/Proactive - amendments

List of plans

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

<b>Title</b>	<b>NK Ref.</b>	<b>Agent's Ref</b>	<b>Received Date</b>
Location and block plans, existing basement, ground and first floor plans		44310_01_0	16/09/2022
Existing elevations		43310_02_0	16/09/2022
Design & Access Statement	NK/2022/0614/1		16/09/2022
Location plan, block plan, proposed ground and first floor plans		44310_01_3	30/11/2022
Proposed window details quotation		SWQ24666	30/11/2022
Proposed elevations		44310_10_02	15/12/2022



5 Location Map  
1 : 1250

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