

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

<b>Application Reference</b>	<b>NK/2022/0425</b>
<b>Case Officer</b>	<b>Alison Riches</b>
<b>Location</b>	<b>3 London Road, Kettering</b>
<b>Development</b>	<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>
<b>Applicant</b>	<b>Inspired Agents</b>
<b>Agent</b>	<b>Mr S Bratby VJS Projects Limited</b>
<b>Ward</b>	<b>Northall Ward</b>
<b>Overall Expiry Date</b>	<b>29/08/2022</b>
<b>Agreed Extension of Time</b>	<b>18/01/2023</b>

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

EV Charger Data Sheet	NK/2022/0425/2		17/08/2022
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# LAND AT 3 LONDON ROAD, KETTERING NN16 0EF

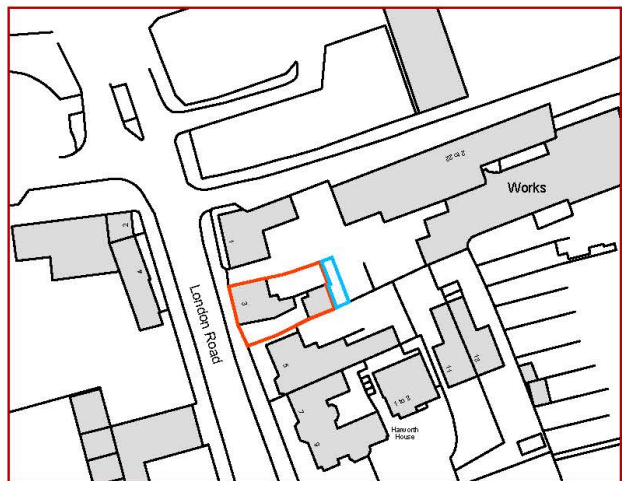


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## Site Block Plan

Scale: 1:500

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## Site Location Plan

Scale: 1:1250