

**North Northamptonshire Area Planning (Kettering)
Committee
17/05/2023**

Application Reference	NK/2021/0659
Case Officer	Theresa Nicholl
Location	Gold Street (land off), Desborough
Development	Full Planning Permission: Redevelopment of site to create 35 no. dwellings with access, parking and associated works
Applicant	Mr M Lee, Snowdon Homes Ltd
Agent	Mr M Bagshaw MHB Planning Ltd
Ward	Desborough Loatland
Overall Expiry Date	16/11/2021
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.
- there are unresolved, material objections to the proposal.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions and the completion of a Section 106 Legal Agreement by four months from the date of any resolution to grant planning permission.
- 1.2 That should the Section 106 Legal Agreement not be completed by four months from the date of any resolution to grant planning permission that it be delegated to the Assistant Director to REFUSE planning permission.

2. The Proposal

- 2.1 Full Planning Permission: Redevelopment of site to create 35 no. dwellings with access, parking and associated works
- 2.2 This is an application to redevelop the former Dunkelman and Sons site to provide 35 dwellings comprising 21 x 3-bedroom, 13 x 2-bedroom and 1 x 4-bedroom properties. Eleven of the total will be affordable houses with a tenure split of 70 percent rented and 30 percent intermediate home ownership. All of the dwellings are two storeys in height. Vehicular and pedestrian access is gained from Gold Street. The proposal includes two main green areas, one of which is in the area protected by a Tree Preservation Order and part of this area will become a children's play area.

3. Site Description

- 3.1 The approximate 1.1-hectare site relates to a former industrial site comprising a main factory building which has both single-storey and two-storey elements. This main building is positioned centrally within the site and there are several other ancillary buildings including a two-storey linked extension to the Manor House and a further building located to the south-east of the site. The site is accessed from Gold Street to the north of the site.
- 3.2 Immediately fronting the site on Gold Street and between the two access points is Manor House. The building is not statutorily listed but is a heritage asset to the town. This building has been extended in the past and the more modern extensions are proposed for demolition returning the building back to its original form.
- 3.3 Immediately to the north of the main building is a band of TPO trees (protected under TPO 1976.KE6) and these form the boundary between the site and the southern boundary with Manor House and are prominent within the street scene. Although there are other trees within the site, they are not subject to TPO's.
- 3.4 The site lies within the town but outside the town centre boundary as defined by the Site-Specific Part 2 Local Plan for Kettering and also lies outside the Conservation Area boundary.
- 3.5 The site lies within Flood Zone 1 which is the area at least risk of flooding.

4. Relevant Planning History

- 4.1 KET/2019/0644 – Redevelopment of site to create 39 No. dwellings (100 percent affordable) with access, parking and associated works – refused 22/12/2020.

The application was refused contrary to officer recommendation on grounds of (1) lack of financial contributions towards the infrastructure requirements generated by the development and (2) highway congestion.

The applicant appealed this decision. The local highway authority did not object to that scheme and the Inspector found that proposal would not cause harm to highway safety or to the proper functioning of the highway network. Costs were awarded to the appellant in respect of the previous highway reason for refusal. The Inspector supported the Council's view that the development would harmfully impact upon social infrastructure in the absence of financial contributions and although the 100 percent affordable housing weighed in favour of the scheme, in the planning balance it did not outweigh the identified harm. As a consequence, the appeal was dismissed. It should be noted that when the previous application was considered by both the Planning Committee and the Planning Inspectorate, no other reasons for refusal other than those set out above were considered.

- 4.2 NK/2022/0699 – Conversion of offices (the Manor House) to 8 residential apartments – pending consideration

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at:

<https://www.kettering.gov.uk/planningApplication/search>

5.1 Town Council (30.03.24)

The access arrangements to the site from Gold Street are inadequate and concern is expressed about the future of the Manor House which whilst not part of this application was part of the wider site.

5.2 Neighbours / Responses to Publicity

10 letters of objection have been received from 10 neighbouring households who raise the following concerns;

- Increase in traffic levels especially on Gold Street during busiest times. The proposed access is off a very busy road. There will be danger to pedestrians and road users during building work. The very narrow path is used by school children and other. The shop opposite and parking associated with the shop makes the situation worse.
- The junction of Harrington Road/Gold St cannot take significant increase in traffic. Plans show 72 parking spaces. A similar application was refused by the Council in December 2020.
- The increased traffic and access will hinder emergency vehicles and parking of emergency vehicles
- Removal of some very established trees which will spoil the aesthetic look of the site but will affect the nature on the site including nesting birds

- It is disgraceful that the developer will not be providing any S106 money to the community
- It seems all the trees other than those with TPOs are to be removed. There are a number of healthy trees immediately adjacent to properties on Alexandra Road which are teeming with wildlife and offer some privacy to existing properties. These would not need to be removed if focus had been placed on placement of properties rather than maximising the number of dwellings.
- There has been significant activity on the site over the last month including felling of trees and removal of undergrowth, all during bird nesting season.

Individual issues raised;

6 Prince Rupert Avenue –

- Will the overgrown and dying trees be removed as the plans now show differently? Who will maintain them? We will not be happy if they are left in as they are unsightly. Will there be a boundary fence between our garden and a new property and how close will properties be to our boundary?

10 Prince Rupert Avenue

- Tree removal has started and 4 trees have been left at the bottom of my garden. These overhang my garden by about 20m and now look extremely unstable and need removing or considerably reducing as soon as possible.

1 Alexandra Road –

- The proposal will reduce the privacy to our home? We are currently not overlooked by anyone and it is peaceful. Adding more houses will increase noise pollution.

13 Alexandra Road –

- What hedges running down the back of Alexandra Road will be trimmed back? There is only overgrown vegetation, fences and sheds. Some of the trees proposed to be cut down/back are in gardens and not on the site.

19 Alexandra Road –

- There are a number of areas identified on the plan as having hedges and in many of these areas there are no hedges. The removal of these trees together with the close proximity of dwellings and difference in land levels makes a very unappealing and undesirable situation for residents in Alexandra Road. There are two new dwellings planned at the bottom of my garden.

64 Gold Street –

- The increase in traffic will affect the access to my drive, invade my privacy as my living room windows directly face the street, increase pollution which will affect my asthma. Reference is made to an accident involving a car overturning at the Gold St/Harrington Road junction on 23rd March 2023 as an example of how dangerous an increase in traffic in this spot would be if permission is granted. There will be a significant increase in noise during the building and afterwards. I fail to understand why, after an appeal, the applicant is still applying for permission.

Tithe Farm Cottage –

- We appreciate the need for affordable housing and in many ways the site does suit the requirement, but we have the following concerns;
- Given the size of the plot, 36 dwellings seems dense. About 30 would seem more appropriate
- We will lose the privacy we have enjoyed for 17+ years. There are now 4-5 houses backing onto our property. We extended and have 3 windows directly looking at the rear of plots 25 – 29 (*officer comment: bedroom and ensuite at first floor and kitchen at ground floor*). Bedroom windows will look into our garden and will have direct sightlines to a bedroom, bathroom and kitchen. There will be some visual intrusion into 2 further bedrooms from plots 26 & 27. We feel our house is the only one so directly overlooked with new houses built so close to our boundary.

12 Gold St

- I was very upset that mature trees with nesting birds were removed from the bottom of my garden on Friday 24th March despite the fact the plans have not been passed.

One letter of support has been received. The neighbour asks if a new fence will be provided to the rear of 10, 12 and 14 Gold Street as this existing fence may be asbestos.

5.3 Local Highway Authority (LHA) (23.03.23)

1. In the event that the streets associated with the development are not being proposed for adoption as public highway, the following conditions apply;
 - a. Details of a site management company and associated future management and maintenance methodology shall be submitted and agreed prior to the commencement of the development
 - b. The streets shall be laid out and constructed to an adoptable standard to ensure safe and practical operation prior to the first occupation of any dwelling
 - c. Prior to first occupation of any dwelling a legal undertaking is required from the developer that the streets will not be put forward for adoption and will remain private in perpetuity
 - d. That the streets will be identified as private through use of appropriate private street name plates on the entrances to the development from the public highway
 - e. Prior to commencement of development any vehicular access to the site from the public highway shall be implemented as standard vehicle crossovers
2. All private drives (single/shared) require a hard bound surface and gradient not in excess of 1 in 15 for a minimum of the first 5 metres from

the highway boundary. A means of draining surface water away from the highway will be required. It is unlawful for surface water to drain from a private property onto the public highway. The LHA is content for this to be conditioned if necessary.

3. A CTMP (Construction Traffic Management Plan) should be conditioned

The site is not affected by a public right of way.

5.4 Lead Local Flood Authority (LLFA) (16.03.2023)

There is sufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the development. The applicant has provided a note (LLFA Planning Consultation Response Note, Welland January 2023) to address the comments contained in our previous consultation dated 6 January 2023.

This has confirmed that an infiltration rate of 4.99×10^{-5} m/s has been applied following infiltration testing in accordance with BRE365 Soakaway Design Guidance across the site. The applicant has confirmed that no connection to the Anglian Water network is proposed and has amended the surface water drainage strategy drawing to reflect this. The applicant has updated the surface water drainage strategy to ensure that proposed soakaways do not cross plot boundaries and are set at a minimum of 5m from proposed buildings. It is confirmed that all surface water drainage features will be the responsibility of a private management company, the details of this should be made available at the detailed design stage. Exceedance flows will be managed on site and directed in a southerly direction along the access road.

It is therefore recommended that the application documents as submitted are sufficient, subject to conditions being applied.

Officer comment: three detailed conditions are supplied by the LLFA covering submission of detailed surface water drainage details prior to the commencement of the development; submission of a Verification Report for the installed surface water drainage prior to occupation; and submission of a site specific maintenance plan prior to occupation

5.5 Environment Agency (EA) (25.11.22)

The EA does not wish to make any comments on this application.

5.6 Anglian Water (15.10.21)

Requests that a note be added to the decision notice if permission is granted notifying the applicant that AW has assets in the vicinity.

Broadholme Water Recycling Centre does not have capacity to treat the flows from the site, however, AW are obliged to accept the foul flows from

the development with the benefit of planning consent and would therefore take the necessary steps to ensure there is sufficient treatment capacity should planning permission be granted.

Based on the submitted Flood Risk Assessment and Drainage Strategy, the sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under S106 of the Water Industry Act and we shall direct them to the most appropriate connection. Pump rate must be confirmed at detailed design stage.

Based on the submitted information, the method of surface water disposal does not involve AW assets.

5.7 Housing Strategy (25.10.22)

Happy with the mix being proposed and especially pleased to see a 4 bed property included. I note that all the properties meet the National Described Space Standards but not with maximised bed spaces i.e. 2b3p instead of 2b4p to allow families to grow and have sustainable long term homes. As long as the Registered Provider is happy to allocate to the maximised spaces we would deem these acceptable.

All the affordable units have been placed in one corner of the site. We would normally expect a more even spread across the site unless there is a plausible reason for the current placement of the units.

In terms of tenure, we would request a 70/30 split for rented and intermediate home ownership respectively.

(11.04.23)

I can confirm that we are happy with the proposed affordable units on this site and I'm happy for you to accept this as our formal response. We can allocate the units to larger households as per Rachel's email to they will meet the need we have identified from our housing register.

5.8 NNC Nature Development (13.09.21 and 18.10.22)

13.09.21

I am satisfied a bat licence won't be needed and that biodiversity impacts should be minimal. To mitigate any residual impacts and provide further biodiversity enhancements I would recommend the following;

- The measures in section 8.1 and 8.2 of the preliminary ecological appraisal report should be included in a Construction Environmental Management Plan. I don't think a specific CEMP for biodiversity is warranted here, however measures should be included in an appropriate site document

- External lighting should be sensitive to bats and other nocturnal wildlife consistent with Bats and Artificial Lighting in the UK (2018) by the Bat Conservation Trust and Institution of Lighting Professionals
- Any close boarded fencing should provide hedgehog holes
- In addition to tree mounted nest boxes at least 25 percent of the new dwelling should include integrated bat or bird boxes

18.10.22

I welcome the amendments to the site plan drawing SK002 rev K with the added species enhancements detail. If the application is approved, I'd request that it be conditioned among the site drawings.

5.9 Northants Police (Crime Prevention Design Advisor)(23.08.22)

It would be preferable to relocate the benches adjacent to plot 32 to the wider section of Public Open Space (POS) away from the fence. I would suggest the opposite side of the path, to make the resident of plot 32 less susceptible to crime and anti-social behaviour.

5.10 NNC Archaeology (18.07.22)

The main concerns around previous scheme iterations were connected with the preservation of the Manor House building and appropriate levels of building recording in connection with both it and any associated structures. The current scheme excludes the Manor House, which is welcomed. Following on from previous responses I am still seeking clarification that the proposed recording not only includes the Manor House but also the early 18th century fabric with substantial 20th century alterations of the eastern range. These elements are proposed to be demolished in the present application and should be recorded (potentially at a lower level) as they form part of the historic narrative of the building. I am disappointed that my request for this clarification of 28/10/21 has not been addressed in the Heritage Statement.

With the above concerns addressed, I would not consider the proposed works to represent an over-riding constraint to development providing adequate provision is made for the investigation and recording of surviving historic buildings.

Request condition be added to this effect.

5.11 NHS

The development proposed 36 homes which based on a household size of 2.43 could result in an increased patient population of 87.48.

Based on the Dept. of Health calculation in HBN11-01:Facilities for Primary and Community Services, the development would generate the following need (*summarised*)

Consulting Room
2 hours per week

Treatment Room
1 hour per week

Based on the above, Northamptonshire CCGs/NHSE&I are requesting a contribution from the developer towards the increased primary health care capacity directly attributable to the population of the new development. The figure requested is £18,302.57

5.12 NNC Development Management (16.09.21)

It is understood there will be 15 x 2 bed units, 19 x 3 bed units and 2 x 4 bed units. The response has been made on this basis.

Education:

The sufficiency capacity evidence base for Early Years is currently being updated. If there is a lack of capacity identified for Early Years, a contribution of £85,817 would be required.

Primary Education –

As of September 2021, the primary schools in the area were operating at a capacity of 91% and above which exceeds the Dept. for Education's recommended capacity thresholds. Based on the mix of housing, a contribution of £136,565 will be required to create additional primary capacity by enhancing and increasing the provision of primary education infrastructure and capacity in the area, thus ensuring that the children generated by this development can be accommodated within a local school.

Secondary Education:

The site would most likely be served by Montsaye School. The school is currently operating close to the Dept. for Education's recommended capacity threshold, with forecasts indicating an increase in demand for places based on birth rate and three-year trend data alone. Furthermore, the cumulative impact of existing approved and planned development in Desborough and the surrounding area is expected to place further pressure on secondary school provision. Based on the housing mix and using the D for E cost multipliers, a contribution of £116, 238 is required towards expanding capacity of secondary education in the area.

Libraries:

Based on the proposed housing mix and applying the National Library Tariff formula and the BCIS building costs for Northamptonshire, a contribution of £7,721 is required.

Fire hydrants and/or sprinkler systems should be provided for by condition.

Officer comment: The above figures are based on the previous scheme for 36 dwellings and previous housing mix. Revised figures will need to be

obtained from NNC Development Management to reflect the current proposed housing mix for 35 dwellings.

5.13 NNC Environmental Health (01.09.21)

Conditions are recommended to require a Demolition and Construction Management Plan and a contamination remediation strategy be submitted and approved prior to the commencement of the development .

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

Section 40 of the NERC Act places a duty to conserve biodiversity on public authorities in England. It requires local authorities and government departments to have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

63. where affordable housing need is identified it should be delivered on site unless particularly justified otherwise (off site or financial contribution)

92. Planning decisions should aim to achieve healthy and inclusive safe places which promote social interaction, are safe and accessible (reduce crime and fear of crime) and support healthy lifestyles.

95. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities.

98. Access to a network of high-quality open spaces and opportunities for sport and physical education is important for health and wellbeing. Up to date assessments should inform what open space and provision is required.

111. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

120. Planning policies should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

130. Planning decisions should ensure all developments (in summary);

- (a) Function well and add to overall quality of the area
- (b) Are visually attractive
- (c) Are sympathetic to local character
- (d) Establish a strong sense of place
- (e) Optimise the potential of the site to sustain appropriate mix of development including green space
- (f) Create places that are safe, inclusive and accessible

131. Planning decisions should ensure that new streets are tree lined, appropriate measures should be put in place to secure the long-term maintenance of new trees and retained trees wherever possible.

174. Planning decisions should contribute to and enhance the natural and local environment by (amongst other things),
(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
(e) preventing new and existing developments from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality....
(f) remediating and mitigating despoiled, degraded, derelict contaminated and unstable land, where appropriate.

203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

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

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

Policy 1 – Presumption in Favour of Sustainable Development
Policy 2 – Historic Environment
Policy 3 – Landscape Character
Policy 4 – Biodiversity and Geodiversity
Policy 5 – Water Environment, Resources and Flood Risk Management
Policy 6 – Development on Brownfield Land and Land Affected by Contamination
Policy 7 – Community Services and Facilities
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 10 – Provision of Infrastructure
Policy 11 – The Network of Urban and Rural Areas
Policy 15 – Well Connected Towns, Villages and Neighbourhoods
Policy 29 – Distribution of New Homes
Policy 30 – Housing Mix and Tenure

6.4 Kettering Site Specific Part 2 Local Plan

Policy HOU1 – Windfall and Infill Development: Principles of Delivery
Policy HWC3 – Sport, Recreation and Physical Activity
NEH 1 – Local Flood Risk Management
NEH2 – Borough Level Green Infrastructure Network
NEH4 – Open Spaces

6.5 Neighbourhood Plan

Draft Desborough Neighbourhood Plan

6.6 Other Relevant Documents

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Environmental Matters
- Landscaping
- Ecology
- Flood Risk and Drainage
- Heritage
- Waste Management
- Planning Obligations

7.1 Principle of Development

- 7.1.1 The site lies within the town boundary of Desborough and is a brownfield site, being former employment land. Policy 29 of the Joint Core Strategy (JCS) sets out that the re-use of suitable previously development land and buildings in the Growth Town and Market Towns will be encouraged. Table 1 which supports the spatial strategy and policy 11 within the JCS defines Desborough as a Market Town.
- 7.1.2 Policy 6 of the JCS states that in determining planning applications, the local planning authorities will seek to maximise the delivery of development through the reuse of suitable previously developed land and buildings within the urban area.
- 7.1.3 Policy HOU1 of the Kettering Site Specific Part 2 Local Plan (the Local Plan) states that windfall development within settlement boundaries will generally be acceptable in principle providing there is no erosion to character and appearance of the area, no detrimental impacts to environmental quality, amenity and privacy enjoyed by existing residents.
- 7.13 The redevelopment of this site is compatible with the above policies. The use of the land for residential purposes is in keeping with the surrounding land uses. There are presently large factory buildings on site, but these are unsuitable and undesirable for residential conversion. The principle of the development for residential purposes is therefore acceptable.

7.2 Visual Impact

- 7.2.1 The site is contained within the surrounding development to a large degree and is not highly visible from the public realm. The land levels decrease somewhat from Harrington Road down to Prince Rupert Avenue and the site may be glimpsed through existing houses. However, there are tall conifers

to some of the boundaries of the site especially along Alexandra Road and Prince Rupert Avenue which obscure views into the site from the surrounding streets, however a number of these are proposed to be or have been removed. An exception is the view over the top of the existing garage court between No's 4 and 6 Prince Rupert Avenue where the upper most part of the smaller factory building can be seen to the rear and adjacent to this boundary and in the distance the very top of the multi-gable roof to the larger factory building can be seen. The site can also be viewed through the existing vehicular access off Gold Street

- 7.2.2 The site is presently unused and unkempt in appearance and does not positively contribute to the overall visual appearance or quality of the area.
- 7.2.3 Policy 8 of the JCS sets out various place shaping principles which development should adhere to, several of which relate to visual appearance. Criterion d states that development should create a distinctive local character by:
- i. Responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of local character without stifling innovation;
 - ii. Responding to the local topography and the overall form, character and landscape setting of the settlement; and
 - iii. The creative use of public realm through the use of measures such as incidental play spaces, bespoke street furniture and memorable features.

Criteria e) vi states that development should incorporate resilient and flexible designs for buildings and their settings, including access to amenity space.

- 7.2.4 Policy HOU1 of the Local Plan states that (amongst other things) windfall development will be acceptable subject to there being no erosion of character and appearance of the area.
- 7.2.5 Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land taking into account;
- (a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - (b) Local market conditions and viability;
 - (c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote more sustainable travel modes that limit future car use;
 - (d) The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - (e) The importance of securing well designed, attractive and healthy places.

Paragraphs 126 and 130 in particular of the NPPF (set out above) state the government's aspirations with regard to achieving good design and layout of buildings and the spaces between them.

- 7.2.6 Much of the surrounding area abutting the site comprises a mix of terraced, semi detached and detached two storey houses with some bungalows. The rear of most of these properties face into the site. The proposal provides for a mix of terraced, semi detached and detached two storey houses of a traditional construction. The gardens to properties along Alexandra Road are long and these plots are uniform. The properties and garden sizes/depths to properties along Prince Rupert Avenue are less uniform. Adjacent to the proposed site and to the west is the Manor House which fronts Gold Street. It is constructed of ironstone and has been extensively extended, the larger recent part of the building would be removed to make way for the development. The Manor House, fronting Gold Street and adjacent to the access, is not listed but is considered to be a non-designated heritage asset (paragraph 203 of the NPPF) and is the most characterful and potentially attractive building in the near vicinity. Impact on this building as a heritage asset is assessed below.
- 7.2.7 The site area is approximately 1.1 hectares. The proposal is for 35 dwellings. The density of development is therefore approximately 31.5 dwellings per hectare. This is a medium density of development that would generally be suitable for an edge of town centre development, although it is recognised that the properties along Alexandra Road in particular would have a lower density due to the generous rear garden depths. Nevertheless, a residential development of two storey dwellings is in keeping with the overall character and appearance of the area and represents a significant improvement to the current appearance of the site and the access adjacent to the Manor House. The proposal provides for a variety of house types which will integrate well into the local vernacular. There is a mix of brick and render to the external walls which is similar to the dwellings on Alexandra Road and Harrington Road.
- 7.2.8 The proposed layout incorporates two small areas of public open space. One area includes the trees protected by Tree Preservation Orders close to the Manor House and will incorporate a small children's play area. The design of the play equipment would be subject to condition to ensure suitability within the root protection zones of the trees. The other area will incorporate a landscaped area with pedestrian footways.
- 7.2.9 It is considered that in terms of visual appearance that the proposal strikes the right balance between optimising the potential developable area of the site and making good use of the land whilst achieving a density, layout and design of development that complements the surrounding existing development. Details of materials, surfacing, levels and landscaping, including the open space will be important to achieving the quality of finish that meets the aims of paragraphs 124, 126 and 130 of the NPPF with the emphasis on achieving high quality and beautiful buildings and places (whilst recognising that there is no definition to the term "beautiful"). These detailed matters would be subject to conditions. The proposal is in accordance with the requirements of policy 8 of the JCS and policy HOU1 of the Local Plan with regard to visual appearance and is therefore acceptable in this regard.

7.3 Impact on Neighbouring Amenity

7.3.1 Policy 8 e) i of the JCS states that development shall ensure quality of life and safer and healthier communities by protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

7.3.2 Policy 8 e) ii states that development should ensure quality of life and healthier and safer communities by preventing both new and existing development from contributing to or being adversely affected by unacceptable levels of soil, air, light, water or noise pollution or land instability.

7.3.3 Policy HOU1 states that windfall development will be acceptable in principle subject to no detrimental effects to the amenity and privacy enjoyed by existing residents.

7.4.4 There is no prescriptive policy or guidance which sets out minimum habitable window to habitable window distances or garden depths. As a general rule of thumb, it would be anticipated that opposing habitable windows would be in the order of 20 metres apart and that rear garden depths would be in the order of 10 metres. However, caution needs to be applied because this is not policy and therefore would not carry the weight at any appeal as if such distances were incorporated into the development plan or SPD. Therefore, these are matters of judgement to be applied on a case-by-case basis.

7.4.5 There were some areas of concern in this regard with regard to the previous iteration of the site layout. The case officer highlighted the following issues of concern to the applicant;

- First floor habitable windows at first floor of plot 4 only 5 metres from the rear boundary of 1 Alexandra Road
- 17.5 metres between rear of plot 28 and secondary kitchen and bedroom windows in the end of Tithe Barn Cottage (which has been extended in 2012)
- Close proximity of the rear elevations of plots 26 and 27 to the rear of 6 Prince Rupert Avenue which does not have a deep garden
- Plots 1 – 17 having rear garden depths varying from 8.5 to 9.5 metres. (These dwellings face the rear of properties on Alexandra Road where existing gardens are in the order of 24 – 25 metres in length).

7.4.6 It is considered that the most direct impacts were to 1 Alexandra Road, 6 Prince Rupert Avenue and Tithe Barn Cottage. An amended site layout plan Rev M has been submitted which has changed the house type at plot 4 so that there are no windows at first floor level facing the rear of 1 Alexandra Road. A dwelling has been removed from the scheme in the area to the rear

of 6 Prince Rupert Avenue which results in enhanced garden depths to the remaining two plots which face the rear of this property. Plot 26 has a garden depth of an average 11.5 metres and plot 25 has an average garden depth of 15.5 metres. The rear elevation of plot 26 containing bedroom windows is now 18 metres from the rear elevation of 6 Prince Rupert Avenue but the houses are at a slight angle to one another. Plots 27 and 28 have been moved a further metre away from the rear boundary to Tithe Barn Cottage such that the proposed rear garden depths are 9.5 to 10.5 metres. There are a small kitchen window and one small bedroom window to the side elevation of the cottage which will face the rear of plots 26 and 27 and the distance between opposing windows will be approximately 18.5 metres (at the closest point). As set out below, it is considered that this relationship is acceptable.

- 7.4.7 It must be noted that there is no issue of opposing habitable window distances being unacceptable between the development and the rear of dwellings on Alexandra Road because the garden depths for the existing dwellings mean that the opposing windows would be approximately 33 metres apart. The consideration relates to privacy within gardens which cannot be considered or held to the same standard as privacy within a dwellinghouse. Most gardens in an urban setting are overlooked to some degree by neighbours. The change of house type at plot 4 completely removes the overlooking into the neighbouring gardens from this dwelling. The other dwellings facing the rear of dwellings on Alexandra Road have minimum depth gardens of 8.5 metres. The first-floor windows will have views into the rear gardens of the existing properties, however, moving the dwellings back slightly to achieve a garden depth of 10 metres is not going to significantly improve this relationship and so would not achieve anything worthwhile.
- 7.4.8 With regard to Tithe Barn Cottage the habitable windows to the rear of the first floor to plots 27 and 28 are approximately 18.5 metres away from the end of the existing dwelling containing two small windows to habitable rooms. This is because the windows in the end of Tithe Barn Cottage are small and views into them are thereby limited. Also, the distance of 18.5 metres is now only 1.5 metres short of what would ordinarily be considered an acceptable back to back distance. It is considered that this relationship is acceptable. Similarly, the removal of a dwelling to the rear of 6 Prince Rupert Avenue results in a relationship between the opposing habitable windows that is now acceptable. The garden depths to these new plots at a minimum of 9.5 metres is considered acceptable. It is inevitable that there will be overlooking to a degree from garden to garden and this will be noticeable to the existing residents who are used to looking into a site containing factory buildings. Nevertheless, the proposal retains an acceptable level of privacy whilst achieving density of development that would be expected on a brownfield site within the town and one that is close to the town centre.
- 7.4.9 There are no instances where the proposed development will cause any unacceptable impacts concerning loss of daylight and/or sunlight to neighbouring properties. In some instances, the proposal represents a

betterment over the existing situation. For example, existing dwellings at 10 – 12 Gold Street are enclosed by factory buildings which will be demolished making the rear of these properties more open and less susceptible to shadowing.

7.4.10 The proposal is replacing an existing employment use with a residential use and utilising the existing access. The site could be brought back into use as an employment site. Use for residential purposes is in keeping with the surrounding residential development. Use of the land for a commercial purpose could result in different impacts, in particular the nature of the traffic that could visit the site and potential noise. It is considered that a residential use in this location is preferable to a commercial use. The noise and disturbance levels associated with residential use adjacent to other residential use are considered acceptable and in compliance with JCS policy 8 whereas this may not be the case if commercial uses were re-established at the site, which could be done without the need for planning permission.

7.4.11 The proposed development will result in the new residents being able to see into the gardens of existing adjacent dwellings and vice versa. There is an inevitability about such overlooking and in this instance, with the changes that have been made to address the key concerns, the development has an acceptable relationship with the surrounding neighbouring development in this regard. The separation between habitable windows is acceptable (discussed above) and there will be no significant loss of daylight or sunlight to existing residents. The relationship between the new dwellings within the site has also been assessed and found to be acceptable in these regards.

7.4.12 Policy 30 of the Joint Core Strategy requires that the internal floor area of new dwellings meets the Nationally Described Space Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities. The overall space standards vary according to the number of bedrooms, bed spaces and storey height of each dwelling.

7.4.13 The national standards state that a single bedroom should be at least 7.5 metres square and at least 2.15 metres wide. A double or twin room should be 11.5 square metres and at least one double should be at least 2.75 metres wide and every other double should be 2.55 metres wide.

7.4.14 The applicant has reconfigured the internal layout to several of the house types to ensure better compliance with these standards. The house types now comply (to within 0.5 square metres) with the Nationally Described Space Standards except for the following instances;

- Bedroom 1 in House Type D1 is stated to be 11.5 square metres but measures off a printed plan at 10.84 square metres. As this is only 0.66 square metres short of the minimum standard, it is considered to be acceptable.
- Bedroom 4 in House Type E is stated to be 6 square metres but measures off at 5.4 square metres. This is approximately 2 square metres short of the standard. The other three bedrooms meet the

standard. This room is too small to provide acceptable space for an adult or older child. It may be acceptable for a baby or younger child or would be acceptable as a study.

- House type H is overall 3 square metres short of the overall GIA standard of 93 square metres.

Summary of house types and changes to meet Nationally Described Space Standards on Proposed Site Plan Revision M:

House Type	No. of Market	No. of Affordable	No. of Beds	Summary of changes
A	4	0	2	No changes
C	4	5	2	Very slight changes at first floor (FF)
D	5	2	3	FF reconfigured, bathroom moved to side/no window, Bed 2 reduced, Bed 3 increased
D1	1	0	3	FF reconfigured, Bed 1 and bathroom swap sides, Bed 3 increased
DT	6	3	3	Minor layout changes at FF. Bathroom on two end terraced moved
E	0	1	4	V minor reconfigure at FF
G	3	0	3	Slight amendments at FF
H	1	0	3	No changes

Given that the other bedrooms and gross internal areas comply with the space standards, it is considered that the relatively low number of instances (as set out above) where there is non-compliance, are not reason to refuse the application.

7.4.15 Use of the site for residential purposes conforms with the surrounding use and is preferable to a further commercial enterprise at the site and to the site remaining in its current state. The proposal strikes the right balance between making the best use of the land and maintaining neighbour amenity and is considered to be in accordance with policies 8 of the JCS and HOU1 of the Local Plan.

7.5 Highway Matters

7.5.1 Policy 8 b) of the JCS requires development to make safe and pleasant streets and spaces by prioritising the needs of pedestrians and cyclists and resisting developments that would prejudice highway safety and (amongst other things) ensuring that a satisfactory means of access and provision for parking servicing and manoeuvring is provided in accordance with adoptable standards.

7.5.2 Policy 15 a) of the JCS states that connectivity within and around settlements will be strengthened by improving access from the edge of towns to their centre by focusing activity and investment on the main radial routes and rebalancing design towards pedestrians, cyclist and public transport.

7.5.3 Paragraph 111 of the NPPF states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact

on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.5.4 The proposal utilises the existing vehicular access point off Gold Street in order to provide an upgraded vehicle and pedestrian access to serve the development. There is a pedestrian route from within the site to the corner of Harrington Road and Gold Street. The very last part of the footway is now outside of land owned by the applicant so will need to be secured within the legal agreement. Each two and three-bedroom dwelling is served by two off road parking spaces and the four-bedroom dwelling by three parking spaces. There are visitor spaces in the form of small laybys or on street parking within the site.
- 7.5.5 The Local Highway Authority has not raised objections to the proposal. It notes that the most recent site layout reduces the number of dwellings from 36 to 35 and the tracking plan and amended drive and parking layout for plots 4, 5 and 6 enables more space for a vehicle to turn and therefore leave the drive in a forward gear. The LHA requests the imposition of conditions concerning details to be submitted in the event that any of the streets are not put up for adoption, surfacing and gradients of private drives and submission of a construction traffic management plan
- 7.5.6 It should be noted that the previous application refused by Kettering Borough Council was initially refused for a highway reason, but the local highway authority did not object to that scheme and the Inspector found that proposal would not cause harm to highway safety or to the proper functioning of the highway network. Costs were awarded to the appellant in respect of the previous highway reason for refusal. The situation has not changed in this regard, and it is not recommended the application be refused for highway reasons.
- 7.5.7 Adequate visibility is provided in both directions for vehicles leaving the site to join Gold Street. The proposed road and footpath layout within the site is acceptable and adequate off-road parking is provided to serve the development. In terms of traffic generation, the assessment would be a comparison of traffic that could be generated by an employment site (the last use of the site), compared to that generated by 35 dwellings. The LHA has made no comment in this regard.
- 7.5.8 The site is within easy walking distance of Desborough town centre and various amenities. Each property is to be provided with a garden shed in which cycles could be stored. It is within walking distance of the main bus routes.
- 7.5.9 The application is therefore acceptable in both sustainable transport terms and with regard to highway safety and parking provision and complies with policies 8 and 15 of the JCS and the requirements of the NPPF, subject to the imposition of conditions.

7.6 **Environmental Matters**

- 7.6.1 Policy 6 of the JCS states that where development is situated on a site with known or likelihood of contamination, remediation strategies to manage this contamination will be required.
- 7.6.2 A ground investigation report accompanies the planning application. In summary exploratory excavations found made ground to depths ranging from 0.1 to 4.0 metres. The authors of the report anticipate that the natural soils will support low rise residential development on shallow strip foundations. Deep made ground was encountered towards the east of the site. Further investigations are required to determine whether alternative foundations are required in this area. Further infiltration testing is necessary to assess the viability of soakaway drainage. Hotspots of contamination have been found which shall require remediation in the form of capping of gardens. Measures to protect against landfill type ground gases are not required.
- 7.6.3 The Council's Environmental Health Officer has suggested conditions, namely submission of a construction and demolition Management Plan to ensure highway safety and protect amenity and submission of a remediation scheme, its implementation and submission of a verification report.
- 7.6.4 In accordance with policy 6 of the JCS and paragraph 174 of the NPPF, the site is capable of being remediated and details as to how this must be achieved can be required by condition.

7.7 Landscaping (and open space)

- 7.7.1 Policy 3 of the JCS states that development should a) conserve and where possible, enhance the character and qualities of the local landscape through appropriate design and management and b) make provision for the retention and, where possible, enhancement of features of landscape importance.
- 7.7.2 Policy 8 of the JCS requires development to respond to local topography and the overall form, character and landscape setting of the settlement.
- 7.7.3 Policy 10 requires development to be supported by the timely delivery of infrastructure, services and facilities necessary to meet the needs arising from the development. (Officer comment: this may include delivery of open space if required)
- 7.7.4 Policy NEH4 of the Local Plan states that all major development proposals are required to enhance and/or create new open spaces to meet community needs arising from the development.
- 7.7.5 The Open Space Standards Paper (KBC) July 2020 provides a formula for open space provision.
- 7.7.6 The application is supported by an arboricultural assessment. This report highlights the importance of the trees adjacent to the Manor House which are protected by tree preservation order 1976 No 6 which covers seven trees i.e.

horse chestnut, yew, sycamore, oak, monkey puzzle, cedar of Lebanon and walnut. The TPO'd trees are being retained. There are other trees at the site – few others within the hinterland of the site but notably rows of Leyland Cypress to the boundary with Alexandra Road and with Prince Rupert Avenue. The majority of the latter trees are now proposed for removal (if they have not been removed already). The site plan shows an indicative landscape scheme of new planting to supplement the retained trees.

- 7.7.7 The site visit revealed that the trees bordering the rear of gardens to properties in Prince Rupert Avenue are very large and overgrown Leyland Cypress that significantly overhang the neighbouring gardens as well as the site. The trees are so overgrown it would not be feasible or desirable to trim them as the bottom part of the trees contains little growth. The trees are very visible but do not enhance the appearance of the area. It was originally proposed to retain these trees but on advice from the case officer, the trees are not to be retained.
- 7.7.8 The detailed landscape scheme for the site can be conditioned to be submitted. The arboricultural assessment sets out various tree protection measures that will need to be put in place and strictly adhered to throughout the development and these can also be conditioned. Retention of the trees that contribute most in terms of appearance and ecology in addition to submission of an appropriate landscape scheme will ensure that the proposal accords with the above policies.
- 7.7.9 As the proposal is for major development, policy NEH 4 of the Local Plan requires that open space be provided. The Open Space SPD although old, still carries some weight, however, the Open Space Standards Paper July 2020 is a public document and provides a formula for calculating open space requirements. The Planning Policy team has advised using this more up to date document to calculate open space requirements. Application of the formula within the Open Space Standards Paper requires the site to provide at least 0.075 hectares of open space. The proposal provides for two areas of public open space comprising an area of 1625 square metres (0.16 hectares of open space) This exceeds the amount required. Policy 8 d)iii of the JCS requires development to create a distinctive local character through the use of measures such as incidental play spaces, bespoke street furniture and memorable features. There are limitations as to the scale of what can be achieved on a relatively small site and also due to the need to retain the integrity of the TPO trees. Nevertheless, the provision of some appropriate equipment and possibly seating together with a good landscaping scheme could enhance the site, streetscene and make the area a pleasant place in which to live. Details of all play equipment/features and any seating would be conditioned. As such the proposal is considered to be acceptable and complies with the above-mentioned policies. The open space will be secured by a Section 106 agreement as will the management arrangements.
- 7.7.10 The application is acceptable with regard to landscaping and provision of open space subject to conditions and the entering into of a legal agreement.

It is in accordance with policies 3, 8 and 10 of the JCS and NEH4 of the Local Plan.

7.8 Ecology

- 7.8.1 Policy 4 of the JCS states that a net gain in biodiversity will be sought by protecting existing biodiversity and geodiversity assets by refusing development proposals where significant harm to an asset cannot be avoided, mitigated or at the last resort compensated. The weight accorded to an asset will reflect its status in the hierarchy of biodiversity and geodiversity designations.
- 7.8.2 The application site is not a designated biodiversity or geodiversity site.
- 7.8.3 Policy 8 e) iii of the JCS states that development should ensure quality of life and safer and healthier communities by incorporating ecologically sensitive design and features for biodiversity.
- 7.8.4 Policy NEH2 of the Local Plan requires all major development proposals to deliver a net gain of GI through on-site provision and/or off-site contributions
- 7.8.5 Paragraph 174 of the NPPF requires decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.8.6 The application is accompanied by a Preliminary Ecological Appraisal and a preliminary bat roost assessment and nesting bird survey of the buildings to be demolished. The report was originally written in 2019 but was updated in 2021 and a further two dusk and dawn bat emergence surveys were carried out on the buildings to be demolished in July and August 2021.
- 7.8.7 No priority habitats were found within or adjacent to the site although the scattered boundary trees, shrubs and buildings are of value to bats and birds. Protected and priority species most likely to be disturbed by the proposed demolition, clearance and construction works include birds, bats and reptiles. Badger, great crested newt, hazel dormouse, water vole, otter and notable invertebrate species are deemed unlikely to be present within the site.
- 7.8.8 It is recommended that lighting is restricted to minimise illumination of the boundary trees and adjacent residential gardens. Any new lighting for the site should be tailored to avoid impacts on foraging and commuting bats. Tree protection measures specified by a qualified arborist are recommended in accordance with BS5837:2012 and bat and bird boxes to be fitted to boundary trees as a biodiversity enhancement measure. Additional tree, hedge and shrub planting within the site would be beneficial.
- 7.8.9 This report was written on the basis that the groups of overgrown conifer trees to the site boundaries were to be retained. This was considered by the case officer, having visited the site to not be practical or desirable regarding

trees on the boundary with properties on Prince Rupert Avenue, due to how overgrown the trees had become and how close they are to existing as well as the proposed dwellings. The proposed site plan was amended to reflect this. Some of the conifer trees at the boundaries to the site have already been taken out. This did not constitute a breach of planning control; however, advice was provided to the applicant's agent concerning the legal duty not to disturb nesting birds. The trees that have been felled are not the TPO'd trees.

- 7.8.10 The report recommends that if there is a long period between the bats survey and the buildings adjacent the Manor House being demolished, a repeat survey may be required to ensure no bats have begun to roost in the building in the meantime. This shall be conditioned.
- 7.8.11 Overall the report concludes that the development will have a minor adverse impact on bats due to the low risk of bat roosts being present in the buildings and trees across the site and there is a low risk of important foraging and commuting areas being present. This impact would be reduced with the implementation of a sensitive lighting scheme.
- 7.8.12 Due to the low risk of important bird assemblages being present the development will have a minor adverse to neutral impact on birds due to potential loss of suitable nesting and foraging habitat during site clearance and demolition. (the report emphasises the need to ensure no disturbance to nesting birds).
- 7.8.13 The report recommends safe working practices during construction to ensure no impacts to any GCN or reptiles should they be present (although presence is unlikely).
- 7.8.14 In summary the Ecological Appraisal recommends the following mitigation;
- Ideally site clearance and demolition should be carried out outside bird nesting season
 - Any artificial and natural refugia within the working areas to be hand searched for presence of reptiles and amphibians prior to commencement of works.
 - A buffer strip of 3m to be left at site boundaries where possible to maintain some habitat connectivity (officer comment: this is not practical within private gardens)
 - Provision of bat and bird nesting boxes
 - If protected species are found during construction works need to be stopped until the situation has been further assessed
 - Site Manager and staff to be briefed by suitably qualified ecologist
 - Replace removed habitats as soon as possible with native or wildlife attracting species
 - Cover trenches or holes overnight
 - No site compounds or materials storage into root protected areas of retained trees and these areas to be fenced off with Heras fencing
 - Care taken if any bonfires lit re potential hedgehog refuge sites

- Ecology friendly external lighting scheme
- Standard pollution measures to be put in place (including dust prevention)

7.8.15 The Council's ecologist has not raised objections to the proposals subject to suitable mitigation measures being put in place and conditioned.

7.8.16 The measures included in the Ecological Assessment shall be subject to conditions. The provision of the mitigation with a suitable landscaping scheme comprising native and wildlife friendly species will likely provide enhancements to biodiversity across the site. The application is acceptable on this basis and complies with policies 4 and 8 of the JCS

7.9 **Flood Risk and Drainage**

7.9.1 The site lies within flood zone 1 which is the area least at risk of flooding. The application was accompanied by a Flood Risk and Drainage Strategy (Rev 03 July 2022) and a subsequent response to the LLFA comments in January 2023. The surface water drainage strategy does not include connection to any public sewers and instead proposes soakaways. Foul sewerage will be connected to the sewer connection in the rear garden of 35 Alexandra Road. The submitted Drainage Strategy states that agreement has been reached with the owner of this property to connect to the public combined sewerage crossing their rear garden. Connections to the public sewer would also need agreement from Anglian Water.

7.9.2 The LLFA is now satisfied that the proposed surface water drainage strategy is acceptable for this development subject to submission of a detailed surface water drainage scheme.

7.9.3 Anglian Water has commented that the sewerage system has capacity for the used water network. Broadholme Water Recycling Centre does not have capacity, but Anglian Water are obliged to accept foul flows from development with the benefit of planning consent and would take the necessary steps to ensure there is capacity if planning permission is granted. If the developer wishes to connect to AW's network notice will have to be served and AW will advise of the most suitable point of connection.

7.9.4 In accordance with policy 5 of the JCS and paragraphs 159 – 169 of the NPPF, the development is proposed in an area at least risk of flooding and proposes to use sustainable drainage systems to deal with the disposal of surface water. No objections have been received from the LLFA or Anglian Water, subject to conditions, therefore in terms of flood risk and drainage, the proposal is acceptable.

7.10 **Heritage**

7.10.1 Policy 2 of the JCS requires that proposals should preserve and where possible enhance the heritage significance and setting of an asset commensurate with its significance. Proposals should also compliment their

surrounding historic environment through the form, scale, design and materials.

- 7.10.2 Paragraph 194 of the NPPF requires applicants to describe the significance of any heritage assets to a level proportionate to their significance. Paragraphs 197 to 205 set out the requirements for local planning authorities to conserve heritage assets wherever possible and to assess the level of harm taking into account the significance of the asset. Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost in a manner appropriate to their significance.
- 7.10.3 The proposal excludes the Manor House from the application which is welcomed by NNC Archaeology who comment that the recording of buildings set out within the submitted Heritage Statement should not only include the Manor House but also the early 18th Century fabric with substantial 20th century alterations of the eastern range. These elements are proposed to be demolished and they should be recorded (potentially at a lower level) as they form part of the historic narrative of the building.
- 7.10.4 The Manor House (nor other buildings on site) is not listed, however, the Manor House is considered to be a non-designated heritage asset of local importance and the impact of the proposals upon the significance of this asset must be taken into account in the determination of this application.
- 7.10.5 The historic part of the Manor House is not proposed for demolition and is not within the application site boundary. The later eastern range of buildings are proposed for demolition and this falls within the application site. An assessment of significance is provided within the submitted Heritage Statement which concludes that the later works and historic demolition has reduced the significance such that it is not worthy of listing, however, the main building holds an aesthetic quality and is distinct from the later 20th century suburban development and reflects the vernacular of other 18th century buildings in Desborough. It is considered that the main buildings hold architectural interest within the local context. The main value relates to views from Gold Street. The garden land and boundary treatment to the west and south contributes to the setting and aesthetic value but does not reflect the historic layout of the land or the historic mapping record.
- 7.10.6 NNC Archaeology has advised that as long as the recording of the eastern range is secured, the proposed works would be acceptable. Provision should be secured for the investigation and recording of surviving historic buildings and the standard condition has been suggested.
- 7.10.7 As the historic part of the Manor House is now outside the application site boundary and not in the ownership of the applicant, it is not possible to require recording of this building by condition attached to any permission granted for this application. It is reasonable to request the recording etc of the eastern range of buildings which are to be demolished. Therefore, the

standard condition suggested by NNC Archaeology will be imposed if permission is granted.

7.10.8 It is considered that the setting of the Manor House will be improved by the demolition of the recent additions which serve to detract from its significance and appearance, especially from Gold Street. Three new dwellings are proposed in the near vicinity of the Manor House – plot 1 a detached two storey house facing Gold Street (where the more recent buildings to be demolished are situated) and two detached two storey dwellings to the rear (plots 2 and 3). The remainder of the area immediately adjacent to the Manor House will be retained as its curtilage and otherwise comprises the area of open space containing the TPO trees. Plot 1 is set back slightly from the front elevation of the Manor House and plots 2 and 3 are set back from the rear elevation. It is considered that overall, the significance of the Manor House and its setting will be enhanced by the removal of the more unsightly later additions and the provision of the detached new development which will result in the appearance of the Manor House, especially from Gold Street being enhanced. Overall, the proposals represent no harm to the significance and setting of the Manor house for these reasons. As such, subject to a condition concerning recording of the eastern range of buildings adjacent to the Manor House, the proposal is acceptable.

7.11 **Waste Management**

7.11.1 Each property has adequate external space in which to store bins. Boundary screening is to be subject to condition to ensure that each property is provided with a gate through which to access the rear amenity space. The proposed road to serve the development is acceptable to the local highway authority and will be built to adoptable standards. It will therefore be suitable for access by a standard refuse collection vehicle.

7.12 **Planning Obligations**

7.12.1 The application proposes 11 affordable houses and the following contributions towards infrastructure needs arising from the development:

- Education contribution
Primary £136,565
Secondary £116,238
- Healthcare contribution
£18,302.57
- Library Services contribution
£7,721
- On site provision of public open space

Will need to be secured in perpetuity as POS and management and maintenance scheme will need to be submitted for approval

- 7.12.2 It must be noted that the above contribution figures are based on a scheme of 36 dwellings and will need to be adjusted to take into account that the scheme is now for 35 dwellings. In addition, as the land which would enable the proposed footpath through the public open space to link through to join Harrington Road has been sold, it is not possible to secure this by condition. Therefore, this footpath link will need to be secured through a legal agreement. If Members are minded to approve the application, these updated figures will be obtained and incorporated into the required legal agreement.
- 7.12.3 No contribution is being sought for Early Years provision as the education authority has not provided an up to date needs assessment for such provision. As such a contribution for Early Years cannot be justified and would not be compliant with the Community Infrastructure Levy (CIL) Regulations.
- 7.12.4 The provision of 11 affordable dwellings (30%) is in accordance with policy 30 of the JCS. With regard to proposed financial contributions and provision of onsite open space, it is considered that these are necessary to make the development acceptable and are policy compliant. Given that it is probable that a third party may need to be a signatory to the legal agreement it is recommended that a period of 4 months be allowed to finalise the legal agreement ahead of the planning decision being issued.

9. Conclusion / Planning Balance

- 9.1 In conclusion, the proposals accord with the policies contained within the development plan and with the NPPF. It is recognised that neighbours whose properties face the site will clearly find the change noticeable especially as there will be an increase in the numbers of properties which will enable views across rear gardens. However, as set out above in the "Neighbour Amenity" section of the report, the distances between existing and proposed habitable windows is acceptable. Adjusting the proposed garden depths further, aside from reducing the number of dwellings proposed would not result in removal of the ability of new residents to see into adjacent gardens. It must also be noted that neither the previous application refused in 2019 or the subsequent appeal decision raised issues of neighbour amenity.
- 9.2 There have been no objections from the highway authority. There is no reason to refuse the application on highway grounds and the proposal is acceptable and accords with policy. With regard to the previous appeal decision, the local highway authority did not object and the Inspector found that proposal would not cause harm to highway safety or to the proper functioning of the highway network. Costs were awarded to the appellant in respect of the previous highway reason for refusal.

- 9.3 The proposal, as set out above, is acceptable in all other regards subject to conditions. It provides for 11 affordable dwellings which significantly counts in favour of the development and the securing of the affordable housing and the developer contributions in a legal agreement will make the development acceptable and policy compliant.

10. Recommendation

- 10.1 Recommend approval subject to conditions and the entering into of a Section 106 Agreement. If this agreement is not signed within four months of the date of this decision, officers are delegated to issue a decision notice refusing the application.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

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

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

3. Prior to the commencement of any development, including any demolition and setting up of the site, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include as a minimum, the following;

- Details and plan of how construction traffic shall be managed when entering and leaving the site, including design of the construction access, parking and turning for delivery vehicles, vehicles and machinery used in the construction and site workers vehicles
- Details and plan of the site compound area (temporary site buildings and layout) and materials storage areas
- Loading and unloading of plant and materials

- Details to prevent mud and debris entering the public highway (including wheel washing facilities)
- The erection and maintenance of security hoardings
- Measures to control the emission of dust and dirt during demolition and construction
- A scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works which must not include burning on site i.e. no burning on the site shall take place.
- Control of noise and/or vibration
- Measures to prevent overspill of light from security lighting

- Measures to detect and safeguard any wildlife present at the site (including those in Sections 8.1 and 8.2 of the Preliminary Ecological Appraisal report) which shall include supervision and training provided by a qualified named ecologist prior to any demolition taking place and details to prevent harm to wildlife during the demolition and construction process. The development including demolition and site set up shall only take place in complete accordance with the approved CMP throughout the duration of the development.

REASON: In the interests of highway safety, residential and environmental amenity and in the interests of wildlife in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

4. No construction or demolition works or deliveries to the site shall take place except during the following times, unless written permission has first been obtained from the local planning authority;

Monday to Friday 0800 to 1800

Saturday 0830 to 1330

At no time whatsoever on Sundays or Public/Bank Holidays

This includes any deliveries to the site or 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.

5. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts B to C have been complied with.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON: Contaminated land remediation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in

accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy

6. 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.

7. Prior to the commencement of the development details of existing and proposed ground levels across the site and in relation to the adjacent existing properties shall be submitted to and approved in writing by the local planning authority. The details shall also include the finished floor levels of all new dwellings and cross section drawings sufficient to demonstrate the relationship of the new building heights and finished land levels with the surrounding land and properties. The development shall only take place in accordance with the approved plans and details. REASON: In the interests of the visual appearance of the development and to safeguard neighbour amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Undertake seasonal groundwater monitoring to confirm that peak groundwater levels are a minimum of 1m below the base of any infiltration structure proposed.
- Should infiltration be demonstrated not to be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus allowance for climate change) critical rain storm to the QBar Greenfield run off rate for the site and where the drainage scheme proposes to connect to a third party asset, for example a watercourse or public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991)

- Provide drawings/plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a "SuDS management train" approach to provide additional benefits and resilience within the design.
 - Provide detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with "The SuDS Manual", CIRIA Report C753.
 - Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall if proposals include discharging to a watercourse) and justification of such criteria where relevant.
 - Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40 percent climate change events.
 - Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
 - Provide plans such as external levels plan, supporting the exceedance and overland flow routing. Such overland flow routing should:
 - Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - consider property Finished Floor Levels (FFLs) and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not only rely on calculations demonstrating no flooding.
- REASON: To prevent the increased risk of flooding, to improve and protect water quality and to improve habitat and amenity in accordance with policies 5 and 8 of the North Northamptonshire Joint Core Strategy.

9. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage Strategy has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the local planning authority. The details shall include:

- Demonstration that any departure from the agreed design is in keeping with the approved principles.
- Any As-Built drawings and accompanying photos.

- Results of any performance testing undertaken as part of the application process (if required/necessary).
- Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- Confirmation that the system is free from defects, damage and foreign objects.

REASON: To secure the satisfactory drainage of the site in accordance with the agreed strategy, policy 5 of the North Northamptonshire Joint Core Strategy and the NPPF.

10. No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. Such maintenance plan shall include:

- Provide the name and the party responsible, including contact name, address, email address and phone number.
- Include plans showing the location of features requiring maintenance and how these should be accessed.
- Provide details on how each surface water feature shall be maintained and managed for the lifetime of the development.
- Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

REASON: To ensure the future maintenance of the sustainable drainage structures in order to avoid risk of flooding in accordance with policy 5 of the North Northamptonshire Joint Core Strategy.

11. No development shall take place until details/drawings of the foul drainage scheme have been submitted to and approved in writing by the local planning authority. The development shall only take place in complete accordance with the approved details.

REASON: To ensure that adequate foul drainage systems will serve the development to prevent pollution and in the interest of the amenity of existing and new residents in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

12. Prior to first occupation of the development (with regard to tree mounted bird/bat boxes) and prior to the first occupation of the dwelling they serve with regard to integrated and dwelling mounted bat and boxes and hedgehog holes, the bat and bird boxes and hedgehog holes as detailed on the approved site plan SK002 Rev M shall be erected. The positioning and construction of all bat and bird boxes shall be undertaken following advice from a suitably qualified ecologist. Within one month of all of the approved bird and bat boxes and hedgehog holes being installed, a verification report by a suitably qualified ecologist shall be submitted to the local planning authority for approval which demonstrates that all of these wildlife features have been installed in accordance with sound ecological practice/advice and are fit for purpose. Thereafter, the bat and bird boxes and hedgehog holes shall be maintained for their purposes and retained in perpetuity.

REASON: To mitigate for the loss of trees and buildings on site and to help provide a net gain in biodiversity in accordance with policies 4 and 8 of the

North Northamptonshire Joint Core Strategy, policy NEH2 of the Part 2 Local Plan for Kettering and paragraph 174 of the NPPF.

13. Prior to the commencement of any demolition or development, repeat bat surveys shall be undertaken as advised in the submitted Preliminary Ecological Appraisal. No development or demolition shall be undertaken until the results of the bat surveys together with any necessary mitigation have been submitted to and approved in writing by the local planning authority. The development and demolition shall only take place in accordance with the approved details.

REASON: As advised by the qualified ecologist in the submitted Preliminary Ecological Appraisal and in the interest of the protection of Wildlife in accordance with duty placed upon local authorities under the NERC Act and in accordance with policy 4 of the North Northamptonshire Joint Core Strategy.

14. Details of all external lighting shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The details shall include street lighting, lighting to all private drives and external mounted lighting on dwellings. All external lighting shall be sensitive to bats and other nocturnal wildlife and shall be consistent with Bats and Artificial Lighting in the UK (2018) by the Bat Conservation Trust and Institution of Lighting Professionals. Thereafter, no other external lighting shall be erected unless in complete accordance with the approved details.

REASON: In the interests of wildlife and residential amenity in accordance with policies 4 and 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the commencement of the development or site set up including compounds and bringing onto site of materials and/or heavy machinery, measures to protect the trees and their roots for all trees to be retained shall be submitted to and approved in writing by the local planning authority. The measures shall be based on those advised in the submitted Arboricultural Report by Greenleaf Ltd. No development or site set up shall take place until all of the approved measures are put in place. The approved tree protection measures shall be retained in full for the duration of the development.

REASON: In order to safeguard the trees protected by a Tree Preservation Order and other retained trees in accordance with policies 3, 4 and 8 of the North Northamptonshire Joint Core Strategy.

16. In the event of any streets associated with the residential element of this proposed development are not being proposed for adoption as public highway, the following conditions apply:

- Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, shall be submitted to the local planning authority and agreed in writing prior to the commencement of the development

- The streets will in any event are required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling
- That prior to first occupation of any dwelling a legal undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity
- Streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site)
- Prior to the commencement of development any vehicular access to the site from the public highway shall be implemented as standard vehicle crossovers.

REASON: To ensure that the site is adequately served by appropriate accesses in perpetuity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

17. All private drives (single/shared) shall be constructed of a hard bound surface and gradient not in excess of 1 in 15 for a minimum of the first 5 metres from the highway boundary. A means of drainage across the back of the highway boundary (linear drain) across the proposed site access draining into soakaways contained within the applicant's own land shall be provided to ensure that surface water does not drain onto the public highway including any street that is proposed for adoption as public highway.

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

18. The parking and turning as shown on the approved site plan SK002 Rev M shall be provided prior to the first occupation of the dwelling(s) it serves and shall be retained for parking purposes only thereafter. The area shown hatched adjacent to plot 4 on the approved site plan shall be retained for turning purposes only in perpetuity and shall not be used for parking of any vehicles or for any storage purposes.

REASON: To ensure that adequate parking and turning is available to serve the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

19. Notwithstanding the details shown on the approved site plan, prior to any development above slab level, full details shall be submitted to and approved in writing by the local planning authority of all boundary screening including a lockable gate for each dwelling to enable access to rear garden areas. Where screening to the perimeter of the site where it adjoins existing residential properties is missing, dilapidated or not fit for purpose, new screening shall be provided. The approved boundary screening shall be erected prior to the first occupation of each dwelling it serves and shall be completed in full prior to the occupation of the last dwelling to be built. The screening shall be retained as such thereafter.

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

20. Prior to the commencement of any development above slab level, full details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The details shall include as a minimum:

- All hard surfacing
- All soft planting including species, size, spacing and numbers of all trees and shrubs etc and seed mixes.
- Layout of the public open space areas
- Full details and location of all play equipment, benches and any other such features
- A timetable for the implementation of all hard and soft landscaping and play area provision

The planting shall provide native species and species which are beneficial to wildlife, including bees and the details to be submitted shall set out how the planting meets this requirement.

The hard and soft landscaping, play equipment and features shall be provided in accordance with the approved timetable and in complete accordance with the approved details and shall be retained as such thereafter. If any trees, shrubs or plants are uprooted, die or become diseased in the first 5 years of planting they shall be replaced in the next planting season with a plant of similar size and species.

REASON: In the interests of visual amenity and biodiversity in accordance with Policies 4 and 8 of the North Northamptonshire Joint Core Strategy.

21. Prior to any demolition of the range of buildings to the east of the Manor House or any development taking place a programme of archaeological work in accordance with a written scheme of investigation shall have been submitted to and approved in writing by the Local Planning Authority.

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

- Fieldwork in the scheme of a written scheme of investigation
- Post fieldwork assessment (to be submitted within six months of the fieldwork)
- Completion of post fieldwork analysis, preparation of site archive ready for disposition at a store (Northamptonshire ARC), completion of an archive report, and submission of a publication report to be completed within 2 years of the completion of the fieldwork.

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

(Note NNC Archaeology can provide a brief for the work)

22. Prior to the first occupation of each dwelling, a lockable garden shed shall be provided in accordance with the details shown on the approved site plan SK002 Rev M to serve that dwelling.

REASON: To enable provision for cycle storage to widen sustainable transport options in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

23. Prior to the commencement of any development above slab level details (including colours) of external materials to include bricks, render, roof tiles, windows, doors and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall only take place in accordance with the approved materials details.

REASON: To achieve a satisfactory external appearance in accordance with policy 8 of the North Northamptonshire Joint Core strategy and Part 12 of the NPPF.

24. Prior to the first occupation of the development a scheme for the provision of fire hydrants to serve the development shall be submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details prior to the completion of the development or occupation of final dwelling to be built, whichever is the sooner, and retained as such thereafter.

REASON: To ensure that the development has the appropriate fire safety measures in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

25. Notwithstanding the provisions of Schedule 2, Part 1 Classes A, AA, B, C and E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or re-enacted), no development falling within these provisions shall take place unless planning permission has first been obtained from the local planning authority.

REASON: In the interest of protecting residential amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy and policy HOU1 of the Kettering Site Specific Part 2 Local Plan.

12. Informatives

Positive/Proactive - amendments
 Planning Obligation
 Env Health advice
 Contamination advice
 Removal of PD rights advice

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
Flood Risk Assessment & Drainage Strategy		19002 Rev03 dated 4 th July 2022	05.07.22
Open Space Areas		OS01 Rev A	29.03.2023
Shared surface tracking		RT05B	28.07.21

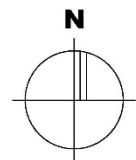
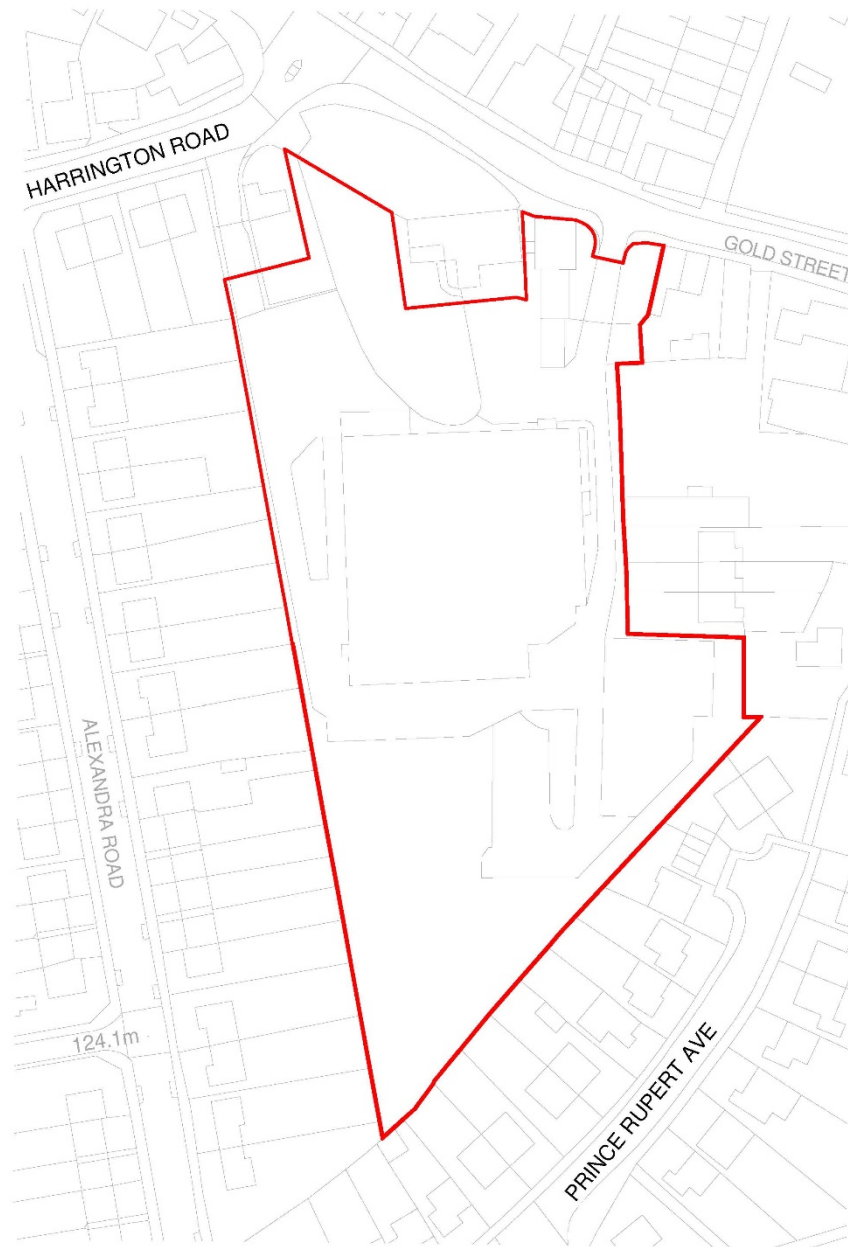
Location plan		S001C	29/03/2023
Existing Site Plan		S002 Rev C	29.03.2023
Proposed Site Plan		SK002 Rev M	29.03.2023
Proposed street scene		SK015E	28.07.21
House Type A		SK100 Rev E	06.04.2023
House Type C		SK300 Rev G	06.04.2023
House Type D		SK400 Rev D	06.04.2023
House Type D1		SK401 Rev G	06.04.2023
House Type DT Terrace		SK410 Rev D	06.04.2023
House Type E		SK500 Rev E	06.04.2023
House Type G		SK700 Rev C	06.04.2023
House Type H		SK800 Rev A	06.04.2023
Refuse vehicle tracking		T101D	06.06.21
Large vehicle Tracking		T102 Rev D	14.03.2023
Large car vehicle tracking		T102C	06.06.22
Refuse Vehicle Tracking		T103	04.08.22
Tree Works		TR01	06.04.2023
Transport statement version 2	NK/2021/0659/3		28.07.21
Ground Investigation Report pt1	NK/2021/0659/4		29.07.21
Ground Investigation Report pt2	NK/2021/0659/5		29.07.21
Arboricultural assessment and method statement	NK/2021/0659/6		17.08.21
Ecology Appraisal	NK/2021/0659/7		17.08.21
Manor House – Building Survey prepared by Budworth Hardcastle Ltd		BSUP 06 – Rev 2 dated October 2021	05.07.22
Design & Access Statement		Revision F	10.11.21
Site Location Plan		S001 Rev C	29.03.2023
Response to Police Crime Prevention Design Advisor Comments Statement	NK/2021/0659/10		09.08.22
Response to LLFA consultation response of 06.01.23	NK/2021/0659/11		02.02.2023
Heritage statement	NK/2021/0659/2		28.07.21
S106 Draft Heads of Terms	NK/2021/0659/8		17.08.21
Covering letter/ e-mail	NK/2021/0659/9		05.07.22

S001 - Site Location

29/03/23

Scale1 : 1250 @A4

Rev:C



19002

Gold Street, Desborough

Snowdon Homes Ltd

PLANNING ISSUE

