

North Northamptonshire Area Planning (Kettering) Committee 27/01/2022

Application Reference	NK/2021/0460
Case Officer	Nicola Wheatcroft
Location	12 Beatrice Road, Kettering
Development	Full Planning Permission: Erection of 8 no. dwellings
Applicant	Mr Miller, David Miller Homes Ltd
Agent	Mr A Jelley Alpine Planning Ltd
Ward	All Saints
Overall Expiry Date	19/07/2021
Agreed Extension of Time	31/01/2022

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

Scheme of Delegation

This application is brought to committee because the agent is a consultant working for NNC on a scheme outside of the geographical remit of both the NN Area Planning Team (Kettering) and the NN Area Planning Committee (Kettering) and there are unresolved, material objections to the proposal.

1. Recommendation

- 1.1 That planning permission be granted subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission is sought for the erection of 8 no. dwellings following the demolition of the existing industrial/storage unit. Four x 3 bedroom detached dwellings are proposed facing Beatrice Road with 2 tandem parking spaces for three of the dwellings and 2 spaces for unit 4 served from Cowper Street and rear gardens approximately 9m in depth.

- 2.2 A terrace of 4 dwellings is proposed along Cowper Street with linear rear gardens (35m depth approx.) and 1 parking spaces per dwelling to the front. The dwellings are annotated as 1 bedroom dwellings with a first floor study, however when the application was originally submitted they were shown as 2 bedroom dwellings.
- 2.3 The application has been amended since submission with following changes:
- Reduction of 9 to 8 dwellings;
 - Removal of dwellings at the rear of the site and access into site, so all houses front Cowper Street or Beatrice Road.
 - Parking for plots 1-3 and 8 are located to the front of the houses. Parking for plot 4 is located to the side of plot4.

3. Site Description

- 3.1 The existing building is a detached former industrial/storage unit which has been vacant for approximately 4 years. It is a part single storey part two storey large building constructed from brick with the roof having been recently removed.
- 3.2 To the east are detached and semi-detached houses which front Beatrice Road located within linear plots, predominantly from the inter and post war period. To the south are small terraces are similar properties in a range of garden lengths with no on plot parking.
- 3.3 Opposite the site to the west of Cowper Street is a large rectangular vacant site which formerly housed Kettering Town Football Club. Planning permission was granted in 2020 for the redevelopment to allow the erection of 49 dwellings, the site has been cleared and hoardings installed (Ref: KET/2020/0101).

4. Relevant Planning History

- 4.1 NK/2021/0362 Demolition of warehouse, approved

5. Consultation Responses

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

- 5.1 Kettering Town Council
KTC has concerns with regards to the parking in a high density area. A proper investigation into the bat roost survey should be carried out ref the ecological survey as it's a recommendation. Entrance way to be considered further down Cowper Street to give residents visibility. Plots 8 and 9 are overlooking existing properties and concerns it will overlook the rear window and conservatory of an existing property. Subject to the above terms and conditions being met then KTC have no objection.

5.2 Neighbours / Responses to Publicity

9 number of letters have been received. The issues raised are summarised below:

- Too close to neighbouring house, would lead to a loss of light;
- Security of property;
- Maintenance concerns
- Loss of privacy from rear two storey houses;
- Incorrect applicant details on forms and reports;
- Concern about potential boundary treatment;
- Style and design of houses are consistent with adjacent houses;
- Disturbance during construction;
- Concern about possible parking problems;
- Lack/no visitor parking
- Highway safety problems;
- Site too small for 9 houses;
- Plans are in sympathy with the area;

5.3 Local Highway Authority (LHA)

Originally objected to the scheme on the lack of parking for plots 1-3 and 8, which are 2 bedroomed houses and require 2 parking spaces each rather than 1 and the lack of visitor parking. Also had concerns about the size of the parking bays for the dwellings facing Cowper Street and the gradient of the accesses.

The scheme has been amended to address the gradient and space size issues. A parking beat survey has been submitted which demonstrates that there is adequate on street parking within the vicinity.

5.4 Environmental Protection

No objection, subject to conditions on working hours and contaminated land and an informative on radon.

5.5 Northamptonshire Ecology

The building has 'low' bat roost potential. Normally this would require a single activity survey to be done, however the ecologist has referred to the latest survey guidance which states that 'if the structure has been classified as having low suitability for bats an ecologist should make a professional judgement on how to proceed based on all of the evidence available', and has recommended instead a pre-demolition check instead. Therefore I would recommend that any permission includes a condition that a suitably licensed ecologist inspects the potential roost features immediately (i.e. on the same day) prior to demolition, and provides ecological supervision during the demolition of Features A and B as identified in Preliminary Roost Assessment.

5.6 Broadband and Fire and Rescue

Fire hydrant and sprinkler condition required plus new developments should be served by high quality full fibre network to help NNC be at the leading edge of the digital economy.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 6: Development on Brownfield Land and Land Affected by Contamination
Policy 7: Community Services and Facilities
Policy 8: North Northamptonshire Place Shaping Principles
Policy 9: Sustainable Buildings
Policy 10: Provision of Infrastructure
Policy 11: The Network of Urban and Rural Areas
Policy 15: Well-Connected Towns, Villages and Neighbourhoods
Policy 29: Distribution of New Homes

6.4 Site Specific Part 2 Local Plan (SSLP) (2021)

LOC1: Settlement Boundaries
HOU1: Windfall and Infill Development

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

7.1.1 The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and then the open countryside.

7.1.2 Policy LOC1 of the Site Specific Part 2 Local Plan incorporates the site within the settlement boundary for Kettering where development is supported subject to compliance with Policy 11 of the North Northamptonshire Joint Core Strategy. Policy HOU1 states that infill development within settlement boundaries will generally be accepted provided that there is no erosion to the character and appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents and they meet the requirements of policy set out in the JCS. These matters are considered further below.

- 7.1.3 Policy 11 of the North Northamptonshire Joint Core Strategy directs development towards the Growth Town of Kettering and market towns. Growth towns are the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development. The site is located within the urban area of Kettering and is a brownfield site which will provide additional housing. This is in line with Policy 11 of the JCS.
- 7.1.4 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example, there should be no adverse impact on character and appearance, residential amenity of existing or future occupiers and the highway network.
- 7.1.5 The principle of the proposal therefore is in conformity with the SSP2 and the JCS. Therefore, the residential development of the site is acceptable in principle subject to the resolution of all other issues.

7.2 **Visual Impact**

- 7.2.1 Policy 8 (d) of the JCS, which is consistent with chapter 12 of the NPPF seeks development to create a distinctive local character by responding to wider character and local context.
- 7.2.2 The proposed housing will replace a relatively large employment building in the middle of an established residential area. The amended layout will follow the form of the surrounding housing with two storey dwellings fronting Cowper Street and Beatrice Road. The amendments to the scheme removing the dwellings at the rear of the site together with the access road are a significant improvement and the proposed layout is now in character with the surrounding housing.
- 7.2.3 Beatrice Road is characterised by a mix of detached housing types including 2 storey dwellings and bungalows. The proposal includes detached houses along the Beatrice Road frontage which is in character with the form of housing in the area. The design of the proposed houses with gable projections and ground floor bay windows reflects the broad character of housing in the vicinity albeit with a more contemporary 'estate' character. This part of Cowper Street has a different character with smaller terraced houses located within linear plots. The proposal reflects the character with smaller terraced housing with a simple gable form and a walkway between plots 1 and 2. Overall it is considered that the proposed housing will appear in character with the appearance of the surrounding residential development in line with Policy 8 of the JCS and the NPPF.
- 7.2.4 The use of materials and details of boundary treatment will have a significant impact on the overall appearance of the infill development and these matters will be dealt with through conditions. The size of the site means that opportunities for landscaping are very limited although a grassed area of verge will be located adjacent to plot.
- 7.2.5 As such the proposal is in accordance with Policy 8 (d) of the JCS which requires development to reflect surrounding residential character and density. The proposal is therefore acceptable in this regard.

7.3 Impact on Neighbouring Amenity

7.3.1 Policy 8 of the JCS seeks development to prevent harm to residential amenities of neighbouring properties, by reason of overbearing, loss of light or overlooking.

7.3.2 The proposed dwellings will be sited in line with the neighbouring houses in Beatrice Road and Cowper Street. The reduction in size of the scheme and the removal of the 2 dwellings at the rear of the site addresses a number of concerns raised by local residents with regard to overlooking and loss of privacy. It is considered that the proposal now will not give rise to overlooking and loss of privacy. In terms of loss of light and overbearing impact again this is minimised by the location of the proposed houses next to existing housing. However, the proposed dwellings are larger than the existing houses and there some concerns about the relationship of plot 8 and 30 Cowper Street. The dwelling on plot 8 is sited back behind the front elevation of no.30 Cowper Street, this means that the rear elevation of the proposed dwelling will be sited behind the rear elevation of no.30 potentially leading to a loss of light to no.30. The existing house has a ground floor rear extension so there will be no undue impact on the ground floor windows and at first floor there may be some loss of light and feeling of enclosure as a result of the siting of the proposed house at first floor, however, the impact will not be significant enough to justify refusing the whole scheme.

7.3.3 It is therefore considered that the proposed development is in accordance with Policy 8(e) (i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon the amenities of neighbouring properties.

7.4 Highway Matters

7.4.1 Policy 8(b) (ii) of the JCS requires development to make safe and pleasant streets by ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring.

7.4.2 The Councils Highway Engineers have raised concerns about the lack of parking associated with the proposed development. The four houses facing Cowper Street, which are 2 bedroomed houses, should have 2 parking spaces each but the current scheme only includes 1 space per house. Furthermore the development should provide 2 visitor spaces overall which is currently missing. The application is accompanied by a Parking Beat Survey (PBS) which was carried out in early December. The Engineers have raised concerns about the survey as it was carried out in survey 'downtime'. The applicants have stated that a survey downtime of the whole months of November and December is unreasonable. They state that they have followed the Lambeth methodology which states that parking surveys should not be undertaken:

- In weeks that include Public Holidays and school holidays and it is advised that weeks preceding and following holidays should also be avoided
- On or close to a date when a local event is taking place locally since this may impact the results of the survey

- 7.4.3 The applicant has confirmed that the survey dates meet the above but not the requirements of the Councils Highway Engineers. The Highway Engineers have reconsidered and despite the survey not strictly aligning with their requirements, given the wider factors i.e. covid-19/working from home etc together that the survey time is considered acceptable.
- 7.4.4 The survey results demonstrate that there is capacity within the local road network to accommodate the visitor parking and the shortfall of housing for the dwellings in Cowper Street. This contrasts with the comments from local residents and the Town Council who state that there is a lack of on street parking in the area. This is likely to be exacerbated when the former football ground site opposite is developed for housing in the future. However, it should be noted that the authorised use of the site for employment purposes would potentially have generated vehicular movements associated with the storage use of the site with deliveries, staff traffic and parking. The shortfall of parking is 6 spaces and as the PBS demonstrated that the average occupancy rate for the area surveyed is 62.9% then there is capacity for additional on street parking in the area.
- 7.4.5 Overall, when the lack of parking (6 spaces) for the proposed housing is balanced against the traffic/parking requirements for the previous use and the availability of on street parking. It could be concluded that there would be a relatively marginal increase in on street parking which could be accommodated within the surrounding roads. Therefore, whilst the parking situation is not ideal it is within acceptable margins and would not form a robust reason for refusing the scheme.
- 7.4.6 On balance, the scheme would not prejudice highway safety and there would be adequate parking within the site and local road network so the proposed development would be in accordance with Policy 8 of the JCS.

8. Other Matters

- 8.1 Concern has been raised by a local resident about the wrong address of the applicant on the application form. This is an administrative error within the submitted information, however the application site and the details for the appointed agent for the scheme are correctly stated. The application has therefore been correctly advertised.

9. Conclusion / Planning Balance

- 9.1 The proposal involves the redevelopment of a former employment site. The scheme involves the provision of 8 dwellings within the centre of Kettering which is in line with Policy 11 of the JCS and Policy HOU1 of the SSLP2. The proposal doesn't provide sufficient off street parking, but in view of the previous use of the building and the availability of on street parking the shortfall of 6 spaces would not have a significant impact on highway safety. The proposal respects the character and appearance of the site's surrounding and the residential amenities of the area in compliance with Development Plan policies and guidance contained within the National Planning Policy Framework.

10. Recommendation

10.1 That planning permission be GRANTED subject to conditions

11. Conditions

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

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

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

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

3. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

4. In accordance with the preliminary roof assessment (submitted by Ecology Resources Ltd) immediately prior to demolition, a suitably licenced Ecologist shall inspect Features A and D and shall provide ecological supervision during the demolition of Features A and B. If any bats or fresh evidence of bats is found during pre-work checks, work must stop immediately, further surveys for bats should then be completed. If a confirmed bat roost is identified from these surveys a European Protected Species Mitigation licence will be required along with appropriate mitigation measures before work to the building can recommence.

REASON: In the interest of safeguarding biodiversity (bats) in line with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and Section 9 of the NPPF.

5. No demolition or site clearance works shall occur during the bird nesting season which would result in disturbance or loss of habitat of nesting birds; the bird nesting season runs between the months of March and August.

REASON: In the interests of safeguarding biodiversity in compliance with the requirements of Policies 4 and 8 of the Joint Core Strategy and with the guidance contained within the National Planning Policy Framework.

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

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

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

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

8. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

9. 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.

10. Notwithstanding the submitted plans, the gradient of the accesses shall not exceed 1 in 15 for the first 5 metres.

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

12. Informatives

Positive/Proactive - amendments

Radon - Protection of Dwellings Informative

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
Site & location plan		3633-09	17.05.21
Proposed elevations, ground/first floor plans, plot 4		3633-04A	24.05.21
Proposed elevations, ground/first floor plans, plot 5		3633-05A	24.05.21
Proposed elevations, ground/first floor plans, plot 6		3633-06A	24.05.21
Proposed elevations, ground/first floor plans, plot 7		3633-07A	24.05.21
Proposed elevations, ground/first floor plans, plots 1-4		3633-03 E	24.12.21
Proposed Street Scene		3633-11 A	07.01.22
Proposed site plan		3633-01K	07.01.22
Topographical survey		S3129_01	17.05.21
Design & Access Statement	NK/2021/0460/1		17.05.21
Preliminary roost assessment		21054	17.05.21
Existing elevation photo	NK/2021/0460/2		24.05.21
Existing elevation photo	NK/2021/0460/3		24.05.21
Existing elevation photo	NK/2021/0460/4		24.05.21
Existing elevation photo	NK/2021/0460/5		24.05.21
Existing elevation photo	NK/2021/0460/6		24.05.21



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