

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

Application Reference	NK/2021/0924
Case Officer	Louisa Johnson
Location	37 Hall Close (land adj), Kettering
Development	Full Planning Permission: 2 no. dwellings
Applicant	Mr C Jablonski
Agent	Mr A Jelley Alpine Planning Ltd
Ward	St. Peters
Overall Expiry Date	12/01/2022
Agreed Extension of Time	

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

Scheme of Delegation

This application is brought to committee because the 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: 2 no. dwellings

3. Site Description

- 3.1 The application site comprises one strip of land and part of the garden of 37 Hall Close located in an established residential area to the southwest of Kettering. No.37 Hall Close occupies a triangular plot at the southwest end of Hall Close which is bounded by the two strips of what appear to be amenity land to the west and south of the plot. No.37 is accessed from a private drive off Hall Close which also currently serves Nos.33 and 35 Hall Close.
- 3.2 There is a strip of landscaping along the rear boundaries of the properties in Hall Close which separates it from the later Lake Avenue residential development and public footpath, VD/027, runs parallel to the south boundary of the site, providing access from Lake Avenue to Hall Lane. The site is within the Nene Valley Nature Improvement Area (NIA) Boundary.
- 3.3 Surrounding residential development in Hall Close was built out in the 1960s/1970s and is characterised by substantial detached two-storey properties fronting the highway, with open plan front gardens, and within reasonably generous plots of land.

4. Relevant Planning History

- 4.1 List all previous planning applications as follows:

KET/2000/0369 - Application for extension of time period for the submission of Reserved Matters on KE.94.0117: Outline for balancing reservoir, leisure complex, residential development, ancillary shops to include site boundary amendment to accommodate access (roundabout) – Approved 04/07/2000

KE/1994/0117 – Renewal of KE/89/0704: Outline for Balancing Reservoir Leisure Complex Residential Development Ancillary Shops to Include Site Boundary Amendment to Accommodate Access (Roundabout) – Approved 16/09/1994

KET/1989/0704 – Outline for Balancing Reservoir Leisure Complex Residential Development & Ancillary Shops – Approved 19/03/1991

KET/1981/0272 – Extension of gardens - change of use from agriculture to domestic use – Approved 01/04/1981

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 Parish / Town Council

No objection but the application would benefit from:

Electric vehicle charging provision

Cycle storage provision

The use of on-site renewables such as insulation, and passivhaus Standards

An on-site planting scheme

5.2 Neighbours / Responses to Publicity

Three letters have been received. The issues raised are summarised below:

- The development is out of character with the street scene of Hall Close and the "mass" of the development is also not in keeping with the rest of the development.
- There may be an Anglian Water trunk water main within the proposed developable area.
- As the immediate neighbour, the valuation of 35 Hall Close might be affected.
- Heavy vehicles should not use the part of the private drive belonging to 35 Hall Close. There is a high probability access to no. 35 will be impacted and emergency vehicle may not be able gain access. The drive is narrow, vehicles cannot pass and its surface is likely to be damaged such that the developer should resurface it on completion, should the plan be approved.
- The turning bay of the drive belongs to 39 Hall Close. We would not allow development on our land.
- Access to the proposed building site would be along the shared drive. The garden of 39 Hall Close borders it. We are concerned that the drive is single track and thus our garden, particularly the kerb stones, may be damaged by larger vehicles straying or vehicles being parked on our land. The drive is not constructed to road standards and is likely to disintegrate beneath heavy plant – which in turn could damage our garden.
- There are concerns as to where a developer and contractors would place building materials and vehicles for such a project. Developers, builders, contractors would need to park vehicles nearby.
- This corner of Hall Close is already constricted by its shape. Parked vehicles of any number would cause constriction and probably make access for emergency vehicles extremely difficult.
- In the past, the sewerage has had difficulty coping with the existing load.

5.3 Local Highway Authority (LHA)

Presently the LHA cannot accept the application and require further information to support the proposals.

Observations:

1. The site is accessed via a shared private drive off Hall Close. 3 dwellings are understood to already be accessed via the shared private drive. The proposals would result in 5 dwellings accessed off the shared private drive. This is the maximum permissible.
2. Shared private drives require a multiple-dwelling bin and recyclable bin presentation point for collection. It must be within the curtilage of the development in a location that does not obstruct the highway (including footway and verge), visibility splays, the effective width of the private drive or pedestrian access. Vehicular accesses over 45m in length can also have refuse collection implications. Part H of the Building Regulations limits carry distances for residents to no more than 30.0m from their building and that of operatives collecting waste to no more than 25.0m. There are also gradient restrictions. The LPA will need to satisfy itself with this.
3. As the two dwellings would be over 45m from the boundary to the highway, the LPA are advised to seek the views of the local fire chief. Vehicular accesses over

45m in length from highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. In such circumstances, access (min. 3.7m wide and constructed to carry a 15T axle weight, over its entire length) and turning for emergency vehicles may be required.

4. Two 4-bed dwellings are proposed. Each requires at least 3 car parking spaces and 4 secure, covered cycle parking spaces as per Northamptonshire Parking Standards (2016). It is thought the drives associated with each property would be accommodative of the car parking requirements. It would be advisable for each dwelling to incorporate electric vehicle charging facilities.

5. No cycle parking is detailed. Cycle parking should be covered, secure, overlooked and easy to use, with a minimum 1.2m clear access including gate widths. No lifting of cycles should be required. For dwellings, cycle parking should not involve having to go through a dwelling to access it.

Public Rights of Way

Please ensure that the applicant is made fully aware of their responsibilities in respect of Public Footpath No VD27 which is adjacent to the southern boundary of the proposed development site as follows:

With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note standard requirements.

5.4 Environmental Health

No objection subject to conditions / informatives:

EV Charging

Low Nox Heating

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)

Policy 2. Achieving sustainable development

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 11. Making effective use of land

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment

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

1. Presumption in favour of sustainable development

4. Biodiversity and Geodiversity

6. Land affected by contamination

8. Place shaping

9. Sustainable buildings

11. The network of urban and rural areas

28. Housing requirements

- 29. Distribution of new homes
- 30. Housing mix and tenure

6.4 Site Specific Part 2 Local Plan
LOC1 – Settlement Boundaries

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

7.1.1 The application site comprises one strip of land and part of the garden of 37 Hall Close located in an established residential area to the southwest of Kettering

7.1.2 Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development. The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area where Policy 35 is supportive of proposals for residential development in principle.

7.1.3 Policy 29 of the NNJCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'

7.1.4 The site is located within the boundary of Kettering, in an established residential area where generally the principle of residential development is considered acceptable. Therefore it is considered that the principle of development is acceptable in accordance with the relevant policies of the NNJCS.

7.2 Visual Impact

7.2.1 The site is located on Hall Close, in a predominately residential area in Kettering which is characterised by detached dwellings.

7.2.2 The proposal is for two detached two storey dwellings, the dwelling on plot 1 would measure approximately 6.8m wide, 14.2m deep and 7.2m in height and the dwelling on plot 2 would measure approximately 6.8m wide, 14.2m deep and 7.2m in height.

- 7.2.3 An objection has been received on the grounds that the 'development is out of character with the street scene of Hall Close and the "mass" of the development is also not in keeping with the rest of the development.'
- 7.2.4 It is considered that the proposed detached dwellings are in keeping with the character of the area which is predominately made up of detached dwellings, in addition the scale of the dwellings is similar to the size of dwellings in the area.
- 7.2.5 The proposed dwellings are set further back in the plot and sit behind the existing building line, however as they are at the end of the close and would not be visible in views of the street, it is considered that this is not unduly harmful. The proposed plots are smaller than the surrounding plots, however it is considered that this is not so significant as to be harmful, particularly given the site's location at the end of the close. As such it is considered that the proposed dwellings would be acceptable in the local context and street pattern.
- 7.2.6 It is considered that the proposed dwellings would be in keeping with the pattern of development and prevailing dwelling types in accordance with the relevant parts of Policy 12 (NPPF) and Policy 8 (NNJCS).

7.3 Amenity of future occupiers

- 7.3.1 The proposed dwellings provide a total floorspace of approximately 156sqm with two bedrooms which meet the standard for a double room, one bedroom which meets the standard for a single room and fourth study room; the proposed dwellings comply with the requirements of the Technical Housing Standards – nationally described space standards, March 2015.
- 7.3.2 The proposal would provide amenity space of approximately 160sqm for Plot 1 and 204sqm for Plot 2. This is considered to be adequate for dwellings of the proposed size.
- 7.3.3 The proposal provides adequate amenity space for the proposed dwellings; and meets the required floorspace standards and so would be acceptable in terms of the amenity of future occupiers and in accordance with policy 8 e(i) of the NNJCS.

7.4 Impact on Neighbouring Amenity

- 7.4.1 The site shares a side boundary with 37 Hall Close, the dwelling on plot 2 would be approximately 0.8m off the boundary with no. 37. The proposed first floor side elevation facing no. 37 would be blank and the side elevation of no. 37 facing the site is blank. The proposed dwellings would cast some shadow over the garden of no. 37 in the late evenings, however it considered that this would not be so harmful as to be unacceptable. It is considered that the proposal would not have a detrimental impact on 37 Hall Close.
- 7.4.2 The site would be opposite 39 Hall Close, the proposed dwellings would be at least 28m from the boundary of no. 39 and would be accessed via the shared drive that runs past no. 39.
- 7.4.3 It is considered that the proposed dwellings themselves would not have a detrimental impact on 39 Hall Close. An objection has been received on the grounds that the proposal would use the shared drive, which borders the garden of

no. 39 and raised concerns that the drive is single track and thus the garden of no. 39, particularly the kerb stones, may be damaged by larger vehicles straying or vehicles being parked on no. 39's land. In addition, that the drive may be damaged by heavy plant using it. However, there would be a clear boundary between the garden and the drive and the drive is of adequate size to accommodate most vehicles, the standard of the drive is dealt with in the Highways section below. It is considered that the proposal would not have a detrimental impact on 39 Hall Close.

- 7.4.4 Objections have been received on the grounds that construction including construction traffic, heavy vehicles, storage of materials, and parking for contractors would block the drive, damage the drive, cause problems for neighbours and prevent access for emergency vehicles. Construction issues are not a reason to refuse a development and damage to the road would be a civil matter between the developer and the owner of the road. However, a condition can be attached requiring a Construction and Demolition Management Statement to be submitted to ensure that the site is appropriately managed and a condition controlling hours of work, this should ensure that any issues are minimised.
- 7.4.5 It is considered that the proposal is acceptable in terms its impact on neighbouring property subject to conditions and in accordance with policy 8 of the NNJCS.

7.5 Highways

- 7.5.1 Policy 8 b) ii) of the NNJCS requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.
- 7.5.2 The Local Highway Authority have raised any objections regarding the shared access itself subject to the access being to the appropriate standard. The proposal is accessed via a shared private drive which would serve five dwellings, including the proposed dwellings. The shared drive is approximately 3.3m wide at the narrowest point widening at both ends, the first 10m of the drive is 4.5m wide.
- 7.5.3 This complies with the requirements of the Northamptonshire County Council Local Highway Authority Standing Advice which states that accesses serving two to five dwellings, (up to but not exceeding a maximum length of 45m from the highway boundary), should have a minimum width of 4.5m for the first 10.0m from the highway boundary. This enables two opposing vehicles to pass each other at the point of access.
- 7.5.4 It is recommended that appropriate conditions for the access regarding surfacing, gradient and meeting the public highway at right angles, securing pedestrian and vehicular visibility splays and appropriate drainage are attached. Subject to these conditions and comments from the Local Highways Authority, it is considered that the proposal is acceptable in terms of the standard of the access.
- 7.5.5 As the proposed dwellings are more than 45m from the Highway and the shared drive is too narrow for a fire appliance, it is recommended that a condition requiring a fire suppression system is attached.

- 7.5.6 The proposed dwellings have adequate space for three parking spaces on their drives and this is considered to be adequate for properties of this size, it is recommended that a condition is attached requiring parking to be provided and retained. The LHA recommends that each dwelling is fitted with Electric Vehicle charging facilities.
- 7.5.7 The proposal does not show any cycle parking, however it is considered there is adequate space for cycle storage, therefore it is considered that a condition requiring the provision of cycle storage would be appropriate.
- 7.5.8 The proposal does not include a refuse presentation point; shared private drives require a multiple-dwelling bin and recyclable bin presentation point for collection. It is considered that a condition requiring a bin presentation point should be attached to ensure that the development does not have a detrimental impact on highway safety.
- 7.5.9 Therefore, subject to conditions securing the provision of the access, parking, cycle parking, bin presentation point and fire suppression system it is considered that the application is acceptable in terms of access and parking in accordance with policy 8 of the NNJCS.

8. Other Matters

- 8.1 None

9. Conclusion / Planning Balance

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

10. Recommendation

- 10.1 That planning permission be GRANTED.

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, 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. 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.
5. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.
REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy
6. No development shall take place on site until details of the method of construction of the means of access have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby permitted is commenced, or the building is occupied, whichever is the sooner.
REASON: Access details are necessary prior to the commencement of development as access layout and design is essential to the early construction process and to ensure a satisfactory means of access to the highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. A minimum of 3 car parking spaces shall be provided per dwelling within the site and thereafter retained and kept available for such purposes.

REASON: To ensure adequate car parking provision within the site in accordance with the adopted standards of the Local Planning Authority in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development above building slab level shall commence on site until a detailed plan showing a cycle store with space for at least one cycle per bedroom has been submitted to and approved in writing by the Local Planning Authority. The cycle store shall be provided prior to occupation of any of the dwellings hereby approved. The development shall not be carried out other than in accordance with the approved details and such provision shall be retained thereafter and kept available for such purposes.

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

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the first floor side elevations or roof planes of the buildings.

REASON: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, AA, B and E of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. No development above slab level shall take place until a scheme and timetable detailing the provision of fire suppression / sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire suppression / sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. No development above building slab level shall commence on site until details of a refuse collection point has been submitted to and approved in writing by the Local Planning Authority. The approved refuse collection point shall be provided before the occupation of any of the dwellings affected and retained as approved thereafter.

REASON: Refuse details are necessary prior to the commencement of development in the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

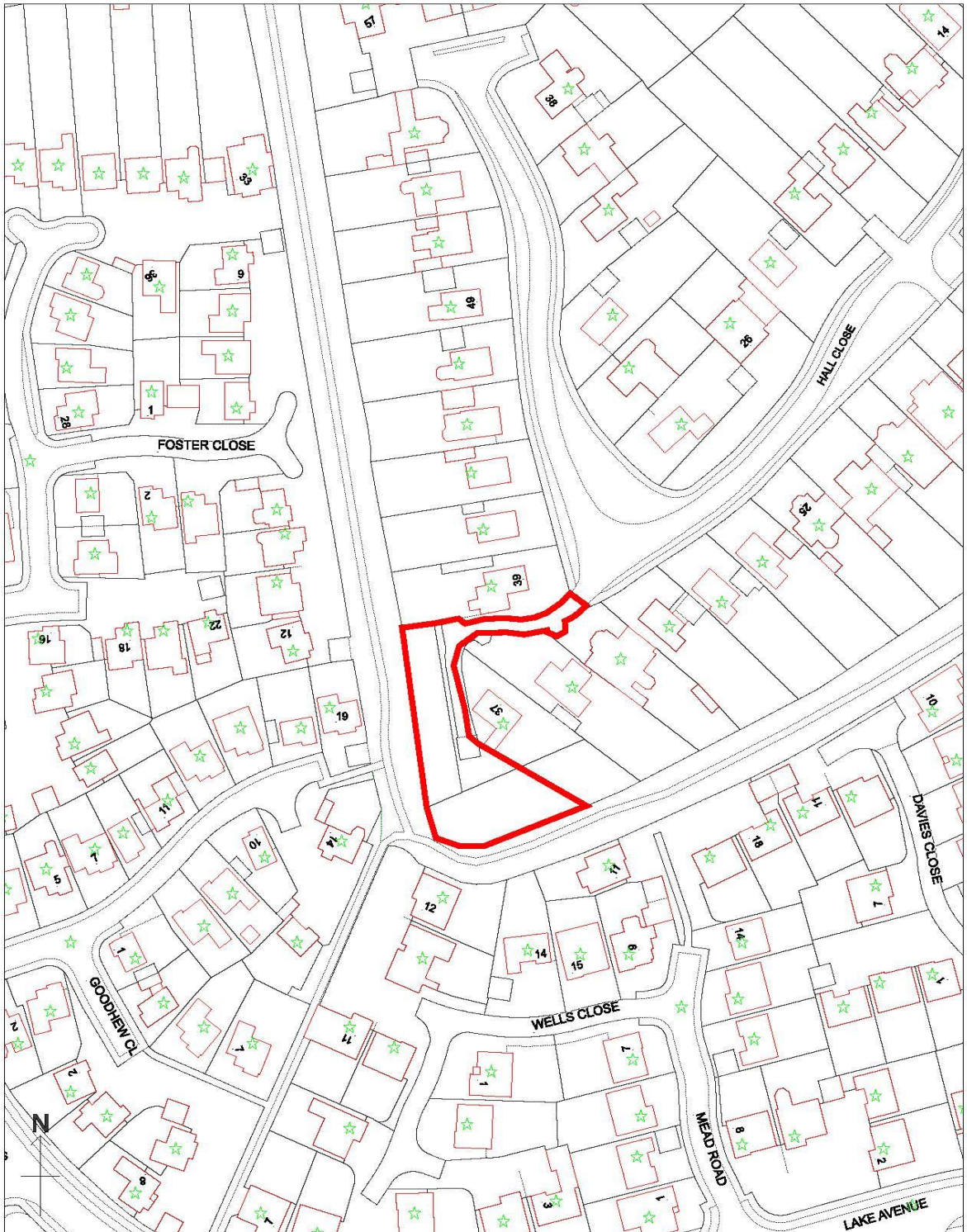
12. Informatives

Positive/Proactive - pre-application advice
Building Regulations consent required

List of plans

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

Title	NK Ref.	Agent's Ref	Received Date
Location plan		(00)101	16/11/2021
Proposed block plan		(00)103	16/11/2021
Existing site plan		(00)03	16/11/2021
Proposed elevations		(00)08	16/11/2021
Proposed elevations site		(00)09	16/11/2021
Proposed ground floor plan		(00)05	16/11/2021
Proposed first floor plan		(00)06	16/11/2021
Proposed roof plan		(00)07	16/11/2021
Proposed site plan		(00)04	16/11/2021
Design & Access Statement	NK/2021/0924/1		16/11/2021



Title: 37 Hall Close

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