

Planning Appeal

Statement of Case

Land Adjacent to the Prince of Wales, Job's Yard,
Kettering, NN16 0BS

Appellant: Michigan Construction Ltd

September 2021

Kettering Borough Council Planning Reference: KET/2019/0908 and ENFO/2021/0102

Approved:

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1 Introduction

- 1.1 This appeal is submitted against the decision of Kettering Borough Council at Land Adjacent to the Prince of Wales, Job's Yard, Kettering.
- 1.2 The Statement of Case sets out the planning case on behalf of the appellant, Michigan Construction Ltd. The Statement will demonstrate that the appeal proposal is in accordance with the relevant policies of the Development Plan and Government guidance contained within the National Planning Policy Framework, and that there are no significant harmful material considerations that indicate that the development should not be approved.
- 1.3 The additional floor is within the scope of Permitted Development. Previous Kettering developments have established the principle of build plus permitted development.
- 1.4 Although Zinc cladding is shown on some of the drawings the preferred option is a completely rendered building in white with a detail colour of 3F525C.
- 1.5 An argument of over development could be sustained if the building were considered in isolation however the building should be considered within the wider Y1 redevelopment context and the creation of a 'city garden'. Preplanning applications will clarify our vision of the Y1 redevelopment scheme.
- 1.6 To maintain the viability of the project and the business works on site will resume on the 1st October 2021.
- 1.7 The Inspector is invited to conclude that the build should be allowed.

2 Site and Surroundings

- 2.1 The appeal site is 245sqm in size and roughly rectangular in shape. The site comprises a plot of land where the early stages of approved planning application KET/2019/0203 have been developed. Prior to the approval of this previous application, the site lay unkempt and vacant for many years.
- 2.2 The appeal site is located on the North side of Job's Yard and is within the Y1 area of Kettering Town Centre.
- 2.3 The site is accessed from Job's Yard, which is a no through road. Traffic along this highway is limited to access only for vehicles from Dalkeith Place, but Job's Yard connects Dalkeith Place and Meeting Lane for pedestrians.
- 2.4 The site is identified in Figure 1 below.



Figure 1: Site location plan

- 2.5 The Prince of Wales public house is adjacent to the East boundary of the site and this is a two storey building. Further to the East a three storey mixed use building of Chancery Wharf sits on the corner of Job's Yard and Dalkeith Place. Across Job's Yard to the South of the site is a relatively modern apartment building (comprising 45 apartments) at three to four storeys in height constructed from mixture of panelling, brick and render known as Job's Court. To the West of the site are car parking areas associated with a mechanics and Toller Church Meeting Rooms, and beyond this is the three storey Toller Church Meeting Rooms. Directly to the East of the site is the Prince of Wales public house and its associated beer garden. Beyond this there are a range of commercial uses.
- 2.6 The surrounding area is characterised by high density developments; with numerous 3-4 storey buildings in the vicinity and one 8 storey to the West.

- 2.7 The site is not within a conservation area, but the Kettering Town Centre Conservation Area is situated to the North and East of the site. There are no listed buildings within close proximity to the site.
- 2.8 The site is identified as being within Flood Zone 1 (land as having the lowest risk of river flooding) on the Environment Agency's Flood for Planning Map.
- 2.9 The site is shown within Kettering Town Centre within the Kettering Town Centre Area Action Plan (KTCAAP) (2011) and the Local Plan (Saved Policies) for Kettering Borough 1995, and forms part of the allocated site Y1 (Job's Yard North) within the KTCAAP (as shown in Figure 2 below). The site is not on a primary or secondary shopping frontage within the development plan.

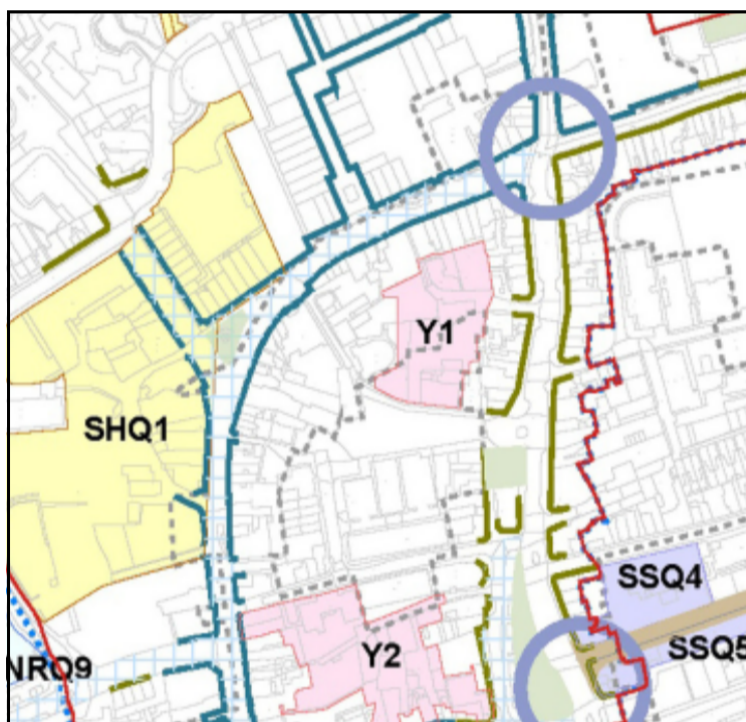


Figure 2: Extract of Proposals Map of Adopted KTCAAP 2011

3 Relevant Planning History

3.1 The recent planning history at the site is listed in the table below:

LPA Reference	Description of Development	Decision	Decision Date
KET/2019/0203	Section 73A Retrospective Application – Erection of 1 no. A1/A2 retail unit and 7 no. apartments	Approved	18/12/2019
KET/2019/0264	10 Apartments	Refused	20/08/2019
KET/2019/0062	14 no. apartments	Refused	02/04/2019
AOC/0580/1502	Approval of conditions in association with KET/2015/0580 2 (materials to be submitted), 3 (levels) 4 (contamination), 5 (boundary treatment), 6 (cycle storage), 7 (sustainable construction), 8 (external plant and ventilation details), 13 (archaeological programme required) and 14 (noise protection)	Refused	05/12/2018
KET/2017/0529	KET/2015/0580 (Erection of 1 no. A1/A2 retail unit and 7 no. apartments): Repositioning of some rear doors and windows	Refused	07/08/2017
KET/2015/0580	Erection of 1 no. A1/A2 retail unit and 7 no. apartments	Approved	03/12/2015
KET/2012/0465	4 no. A1/A2 units with 6 no. flats above	Approved	08/11/2012
KET/2008/0876	4 no. A1/A2 shopping units with 6 no. one bed flats above	Approved	20/01/2009

Figure 3: Front Elevation of Development Approved under LPA Ref: KET/2019/0203

3.2 In respect of residential amenity, the committee report for LPA Ref: KET/2019/0203 stated the following:

“The scheme is the same as the previously approved scheme in terms of the overall design of the building externally and internally. The scheme was historically considered acceptable and as such this scheme is considered acceptable on the following grounds.

In considering the potential impacts of the proposed development on the amenity of neighbouring properties, the existing character of the surrounding area was noted. This is characterised by 3-4 storey, buildings in proximity close to one another and residential uses with no outdoor amenity spaces. Given this context it was considered that the development would not have had an unacceptable negative amenity impacts on residents of the proposed flats or existing surrounding properties by virtue of overlooking, loss of light or overbearing physical impact. It was also considered that the levels of living space would be acceptable and on the whole accord with space standards for the size of units specified on the application form."

- 3.3 Therefore the LPA considered that the height of the approved building and separation distance between the approved building and Job's Court would be acceptable so as to prevent undue harm to the amenities of the residents at Job's Court in terms of the creation of an overbearing affect, loss of privacy or overlooking.

- 3.4 On the matter of design and character, the committee report for LPA Ref: KET/2019/0203 stated that:

"The proposed building is the same as the previously approved scheme and therefore it follows that the Council should consider that the design and impact on the setting of the adjacent conservation area also acceptable. A street scene has been provided to show how the proposal would sit in its surroundings with the stepped ridged to the east of the scheme reducing the height of the scheme adjacent to the Prince of Wales Public House."

- 3.5 As can be seen above, the LPA were satisfied that the approved scheme would be of a suitable design and scale so as to sympathetically integrate with its surroundings and prevent harm to the setting of the Kettering Town Centre Conservation Area. It specifically approved the scheme on the basis of an acceptable separation distance between the proposed building and Job's Court.

4 Appeal Scheme

4.1 The appeal scheme relates to the erection of a 5 storey building comprising 11 no. apartments (10 x 2 bedroom and 1 x 1 bedroom).

4.2 The building fronts Job's Yard and is set back 1.2 metres from this highway. At second floor level, the front wall would be recessed, and the third would recess further so as to create a stepping effect. The building would have a pitched roof and would be a maximum of 14.28 metres in height. The exterior is faced with white 6-10mm textured render with colour detail, although a green wall is proposed on the West side elevation of the building at first and second floor levels. The stepping back of this floor will help reduce the overall massing of the building. The rear facing windows serving the flats would be angled.

Access to the building would be achieved from the front of the building. Internally, the proposed units will have an open plan living/dining/kitchen area with separate bedrooms and a separate bathroom. The building is proposed to comprise 2 no. ground floor apartments, 3 no. first floor apartments, 2 no. second floor apartments and 2 no. third floor apartments. The ground floor flats are designed for disabled assisted living and priority will be given to persons in this group, although in principle these properties could accommodate able bodied persons. The flats meet Category 2 of the National Accessibility Scheme (Building Regulations Part M4(2)).

4.3 Wrought iron railings on a low level brick wall would be fitted to the southern street frontage to provide an open aspect whilst providing security for the whole site. Adjacent to the West wall of the building would be a bin store and bike store accessed from a gate on the front elevation. A fence is proposed along the western boundary of the site. No car parking is proposed on the site but is available locally.

4.4 Of note, in comparison to approved and extant scheme on the appeal site the appeal scheme would:

- Provide 2 no. more residential units.
- Improved viability for the project
- Defines the theme for the Y1 redevelopment and creation of a city garden.
- Provide secure cycle parking and bin storage adjacent to the building.
- Provide 2 ground floor wheelchair enabled flats
- The works are within the approved plus permitted development
- The Council previously took a common sense approach to Michigan Construction projects allowing the build plus permitted development to be undertaken at one time.
- There have been no complaints in relation to the build

5 Planning Policy

- 5.1 The planning policy context relevant to the appeal is outlined below:
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless other material considerations indicate otherwise. Numerous other material considerations exist in relation to this site.
- 5.3 Relevant current planning policy is contained within the North Northamptonshire Joint Core Strategy 2011-2021 (adopted in 2016), the Local Plan Saved Policies of the Kettering Borough (adopted 1995) and the Kettering Town Centre Area Action Plan (adopted 2011), and relevant supplementary planning documents and guidance.
- 5.4 The National Planning Policy Framework (NPPF) 2019 is also a material consideration.

National Planning Policy Framework 2019

- 5.5 The NPPF sets out the Government's over-arching planning policies for England and how they should be applied. It confirms the intention of planning to support the principles of sustainable development. Paragraph 8 advises that there are three dimensions to sustainable development (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 5.6 Chapter 5 of the NPPF 2019 relates to delivering a sufficient supply of homes and the paragraphs within this chapter outline how LPAs should significantly boost the supply of homes.
- 5.7 The site is within Kettering town centre (outside the primary and secondary shopping frontages). Chapter 7 of the NPPF sets out policies to ensure the vitality of town centres. It confirms at Paragraph 85 that decisions should take a positive approach to the growth, management and adaption of such areas, recognising that residential development often plays an important role in ensuring the vitality of centres which should be encouraged on appropriate sites.
- 5.8 Section 11 deals with making effective use of land. Paragraph 118 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
- 5.9 Paragraph 102 of the NPPF states that opportunities to promote walking, cycling and public transport use should be identified and pursued.
- 5.10 Section 12 provides guidance on achieving well-designed places. Paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 sets out criteria for assessing planning applications to ensure that developments add to the overall quality of the area, are visually attractive and optimise the potential of those to accommodate an appropriate amount and mix of development and create a high standard of amenity for existing and future users.

- 5.11 Section 16 relates to conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

North Northamptonshire Joint Core Strategy (2011-2031)

- 5.12 Policy 1 (Presumption in Favour of Sustainable Development) – states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The policy notes that to be regarded as 'sustainable' within the context of North Northamptonshire, development should be in compliance with the relevant policies of the Plan. Development that conflicts with policies of the Plan will be refused unless material considerations indicate otherwise.
- 5.13 Policy 2 (Historic Environment) – states that the distinctive North Northamptonshire historic environment will be protected, preserved and, where appropriate, enhanced. It is noted that where development would impact upon a heritage asset and/or its setting:
- Proposals should conserve and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance;
 - Proposals should complement their surrounding historic environment through the form, scale, design and materials;
 - Proposals should protect and, where possible, enhance key views and vistas of heritage assets;
 - Proposals should demonstrate an appreciation and understanding of the impact of development on heritage assets and their setting in order to minimise harm to these assets and their setting.
- 5.14 Policy 6 (Development on Brownfield Land and Land Affected by Contamination) – states that when 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 areas.
- 5.15 Policy 8 (North Northamptonshire Place Shaping Principles) – outlines a that development should: create connected places; make safe and pleasant streets; ensure adaptable, diverse and flexible places; create a distinctive local character; and ensure quality of life and safer and healthier communities. The policy notes that in relation to creating distinctive local character, development should respond to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation. On the matter of ensuring quality of life and safer and healthier communities, the policy notes that development should protect 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.

- 5.16 Policy 11 (The Network of Urban and Rural Areas) – outlines that Kettering is a growth town and such towns will be the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development.
- 5.17 Policy 12 (Town Centres and Town Centre Uses) – states that the vitality and viability of the town centres in North Northamptonshire will be supported by securing and maintaining a vibrant mix of retail, employment, leisure and cultural facilities and supporting the provision of additional residential uses on appropriate sites including the re-use of vacant space above shops.
- 5.18 Policy 28 (Housing Requirements) – states that the local planning authorities will each maintain a rolling supply of deliverable sites to provide 5 years' worth of housing and will identify developable sites or broad locations of growth for the rest of the plan period.
- 5.19 Policy 29 (Distribution of New Homes) – states that new housing will be accommodated in line with the Spatial Strategy with a strong focus on the growth towns as the most sustainable locations for development. It goes on to note that the re-use of suitable previously developed land and buildings in the growth towns will be encouraged.
- 5.20 Policy 30 (Housing Mix and Tenure) – states that housing development should provide a mix of dwelling sizes and tenures to cater for current and forecast accommodation needs and to assist the creations of sustainable mixed and inclusive communities. In particular:
- The mix of house types within a development should reflect:
 - The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people;
 - The existing housing stock within the settlement or neighbourhood/ward in order to address any gaps in provision and to avoid an over-concentration of a single type of housing where this would adversely affect the character or infrastructure of the area.
 - The internal floor area of new dwellings must meet the National Space Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities.

Local Plan Saved Policies of the Kettering Borough (adopted 1995)

- 5.21 Policy 35 (Housing Within Towns) – states that planning permission will normally be granted for residential development within the towns, defined by the Town Inset boundaries on the Proposals Map, where the proposal is compatible with other policies and proposals in the Plan.

Kettering Town Centre Area Action Plan (adopted 2011)

- 5.22 Policy 1 (Regeneration Priorities) – states that the Area Action Plan (AAP) is the framework for the strong regeneration and growth of Kettering town centre through attracting investment; encouraging diverse businesses and increasing its vitality and viability.
- 5.23 Policy 2 (Urban Quarters and Development Principles) – states that the regeneration of the plan area is focused on eight urban quarters. The site is identified as being within 'The Yards' quarter where the of uses at ground floor level will be niche and independent shops. The policy goes on to note that throughout the town centre a vertical mix of uses will be encouraged where the proposed use would complement the primary focus of the quarter, for example residential or office uses over retail. The policy states that regeneration will be design-led and comprise developments of high quality that are distinctive to Kettering. The policy outlines a number of principles for development proposals within the town centre including:
- Create attractive, vibrant and safe shopping, working and living environments which are well connected by different modes of transport;
 - Bring regeneration benefits to Kettering town centre, in terms of its viability and vitality;
 - Protect existing residential amenity and deliver approximately 1,000 new residential units within environments which are of high design and lasting quality;
 - Deliver an attractive and safe environment with a strong sense of place through the high quality and adaptable design of buildings, frontages and public spaces. Development proposals must have appropriate building forms, proportionate heights, active frontages, and contain suitable uses;
 - Preserve or enhance the Plan Area's heritage and character, especially the designated Conservation Area and its setting; in particular respect the scale and mass of existing buildings.
- 5.24 Policy 6 (Residential) – states that provision is made for approximately 1,000 additional residential units within the Plan Area over the plan period. The policy goes on to note that a balanced provision of houses and flats is required in the Plan Area to achieve a varied mix of property sizes and types in accordance with the 2008 Housing Market Assessment, and any subsequent Strategic Housing Market/Needs Assessment updates. The policy states that all residential development which comes forward in the Plan Area will be encouraged to include an element of houses. The policy also notes that development comprised solely of flats should be focussed on sites where space is at a premium, where proposals involve the conversion of an existing building or where they form a vertical mix of uses – provision of 1 bedroom flats will be limited.
- 5.25 Policy 6 also outlines that residential parking provision in the Plan Area will be determined in accordance with the Northamptonshire Place and Movement Guide (2009), or any subsequent adopted guidance, on a case by case basis. It is noted that low or zero parking residential developments may be acceptable on sites in close proximity to the services, amenities and public transport where it can be demonstrated that sustainable travel alternatives are

accessible and are integrated into travel plans. The policy notes that all residential developments will provide a minimum of 1 secure cycle storage space per unit.

5.26 Policy 12 (Heritage, Conservation and Archaeology) – states that new development within the Plan Area will preserve or enhance the existing historic environment in terms of:

- Buildings which form an integral part of the designated Kettering Conservation Area and their settings;
- The historic street patterns, views, property boundaries and urban morphology; by providing development which respects the established grain of development and is appropriate in terms of scale, height, layout, materials and massing.

5.27 Policy 17 (The Yards) – refers to allocated site Y1 where the allocated use is A1 retail/B1(c) craft workshops on ground floor level, with residential and commercial uses above. It is noted that residential uses will not exceed 30% of the total ground floor frontages. The policy states any redevelopments of site Y1 will require comprehensive masterplans to ensure that the potential of the sites are optimised, fully integrated with plans for the surrounding area and that they provide a positive contribution towards the regeneration of the town centre as a whole.

6 The Case for the Appellant

- 6.1 This section of the Statement will outline the appellant's case turning to the LPA's reasons for refusal. The section will demonstrate that the appeal proposal is in accordance with the relevant policies of the Development Plan and National Planning Policy Framework, and that there are no significant harmful material considerations that indicate that the development should not be approved.
- 6.2 In this case, the appellant has already commenced the development on the site and this together with the clear desire of the appellant to develop, this outlines that the prospect of the development is more than 'merely theoretical'. Given the above judgement, it is considered that there is a realistic prospect of the approved development being implemented and this should be given substantial weight in relation to this appeal. This appears to be acknowledged by the LPA in their assessment of the appeal scheme, given that in the delegated report the LPA largely assess the appeal scheme against this approved development at the site.

Scale and Massing

- 6.3 Turning to the matter of scale and massing, LPA note in the delegated report that the scale and height of the proposed building are dominant in the location and detract from the lower simpler form and modest scale of the Prince of Wales public house.
- 6.4 The appellant disagrees with the LPA that the scale and massing of the building would be unduly harmful to the character and appearance of the area and the setting of the Conservation Area, and disagrees that the building would of a much greater scale than the approved scheme.
- 6.5 The existing character of the surrounding area, is characterised by high density developments with numerous 3-4 storey buildings in the vicinity, a point which was made in the delegated report for the approved scheme under LPA Ref: KET/2019/0203.
- 6.6 The proposed building sits directly opposite a residential development at Job's Court which comprises 45 flats over 4 storeys. This development would also have a significantly smaller footprint to Job's Court therefore the scale of the proposed building would be considerably less than Job's Court.
- 6.7 The proposal would also not over dominate the Toller Church Meeting Rooms to the North West given the separation distance between the site and this building and the 3 storey scale of this existing building. The green wall on the West wall would also soften the impact of the proposed development when viewed from the West of the site.
- 6.8 As alluded to above, it is considered that the setting back of the proposed building from the highway, along with the further stepping back of the proposed building above the first floor level would help ensure that the building would not be an oppressive feature from within the street scene, and would help reduce the bulk of the building as well as views of the building from Dalkeith Place and Printers Yard
- 6.9 Given the above, the appellant is of the opinion that the development integrates well with the area.

Appearance and Style

- 6.10 Turning to the appearance and style of the proposed building, the LPA in their delegated report for LPA Ref: KET/2019/0908 noted that it was understood why a contemporary approach was taken given that that Job's Court was opposite. However, the delegated report also noted that it was not appropriate on this site given the traditional and more established building form on the North side of Job's Yard.
- 6.11 The appellant disagrees with the LPA that the design would result in a building that would appear as an incongruous feature within the street scene.
- 6.12 To the North of Job's Yard there are more traditional buildings including the Prince of Wales public house and Chancery Wharf, but these buildings are on or just off the main thoroughfare through the town centre, however the appellant is of the opinion that a building of contemporary design should not be precluded from this site.
- 6.13 The design concept is to go beyond pastiche and provide a high quality, contemporary designed building which utilises render as the predominant construction material so as to acknowledge the prevailing local vernacular and reinforce local distinctiveness.
- 6.14 When considering the above, and the existing development at Job's Court, it is considered that the proposed style and design of the building would sympathetically integrate with the surrounding development.
- 6.15 It is pertinent to note that the site has been vacant and unkempt for years. It is considered that this high quality designed proposal would help make a significant contribution to the regeneration of this area of Kettering and would also help enhance the vitality and viability of the Kettering Town Centre.
- 6.16 Given the above, the proposed development would be a sympathetic addition to the street scene and would therefore not cause harm to the character and appearance of the area, nor would it harm the setting of the Kettering Town Centre Conservation Area. The proposals would therefore be in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2011-2031 and Government guidance contained within the NPPF.
- 6.17 In addition to this, the proposal would make use of a suitable brownfield site within a settlement for residential purposes and in line with Paragraph 118 of the NPPF, therefore substantial weight should be afforded to this.
- 6.18 Furthermore to this, housing in this sustainable town centre location would promote active and healthy lifestyles, with numerous facilities and services within walking distance from the site.

Refusal Reason 2 – The Impact upon the Amenity of Neighbouring Residents

- 6.19 In the delegated report the LPA acknowledged that the proposal would accord with the Nationally Described Space Standards and that the future occupiers of the proposed apartments would benefit from a suitable standard of amenity.

Overbearing Impact and Loss of Outlook

- 6.20 The LPA note in their delegated report that the proposal has a greater mass than the extant scheme at the site approved in 2019 under LPA Ref: KET/2019/0908, and this together with the close relationship would be harmful to the quality of the life of the neighbours within Job's Court in terms of the creation of an overbearing impact and loss of outlook.
- 6.21 The neighbours would benefit from the overall development of Y1 and the creation of the city garden into which the building sits.
- 6.22 The comparison of the scale and the massing of the proposed scheme and the approved and extant scheme at the site is displayed in drawing no. (SK)007A. It is considered that this demonstrates that the difference in the scale and the massing between the two schemes.
- 6.23 Whilst the proposed building would be 5 storey in height when the approved extant and scheme at the site (LPA Ref: KET/2019/0203) is 3 storey, this proposed building would be a similar overall height and width to this approved building. Further to this, unlike the approved scheme, the front walls of the building above first floor level would be stepped back from the street thereby reducing the overbearing impact upon Job's Court in comparison to the approved scheme.
- 6.24 Given the above, it is the appellant's view that the proposal would not cause undue harm to the amenities of the residents at Job's Court in terms of an overbearing impact and loss of outlook.

Overlooking and Loss of Privacy

- 6.25 Furthermore, the LPA note in their delegated report that the proposal has a greater number of upper floor windows in the front elevation at a greater height than the extant scheme at the site approved in 2019 under LPA Ref: KET/2019/0908 and this together with the close relationship would be harmful in terms to the quality of life of the neighbours within Job's Court in terms of overlooking.
- 6.26 The appellant disagrees with the LPA that the proposal would cause detrimental harm to the amenities of residents of Job's Court in terms of overlooking and loss of privacy.
- 6.27 The greater number in windows compared to this approved scheme comes from the addition of another storey to the building. That said, as displayed on the elevations on submitted with the application and this appeal.
- 6.28 There is a reduced level of overlooking at the upper floors as the Job's Court building steps back at this level.
- 6.29 Further to this, it is again pertinent to refer to the delegated report for LPA. This delegated report outlined that the site is in an area characterised by 3-4 storey buildings in proximity close to one another. Given this context the delegated report went on to note that the development (which was approved) would not have unacceptable negative amenity impacts on residents of the proposed flats by virtue of overlooking. The delegated report outlined that there will be a degree of overlooking between the proposed building and Job's Court, but the delegated report stated that this is not an uncommon relationship in the centre of urban Kettering where large mass and scale buildings in close proximity to one another are reflective of local character. The delegated report went on to state that in terms of overlooking:

"The siting and layout of the buildings are such that, although habitable rooms will face habitable rooms, the level of overlooking will not be unacceptable, given the dense urban

context. There will be no direct overlooking of any window, with each opposing window facing the other at an angle. This includes consideration of the introduction of the additional flat at ground floor."

- 6.30 Given the above, it is the appellant's view that the proposal would not cause undue harm to the amenities of the residents at Job's Court in terms of overlooking and loss of privacy. Relocation of anyone with significant concerns would be relatively simple as these properties are all tenanted.
- 6.31 In light of the above, the proposed development would not cause undue harm to the amenities of neighbouring residential properties compliant with Policy 8 of the North Northamptonshire Joint Core Strategy (2011-2031) and Paragraph 127 of the NPPF.

Other Matters

- 6.32 The proposed development would deliver social, economic and environmental benefits which weigh heavily in favour of the application:

Environmental Benefits

- The proposed development would utilise finite and suitable vacant brownfield land outside the conservation area in Kettering town centre. The existing site was unkempt and vacant, and this high-quality designed development would significantly contribute in regenerating this area of Kettering in line with the goals of the Kettering Town Centre Area Action Plan (2011).
- The development would be of a high quality, which would sympathetically integrate with the surrounding area and would provide an appropriate living environment for future occupiers and neighbouring residents.

Social Benefits

- The site has extremely good access to a high number of facilities and services being situated within Kettering town centre, therefore the proposed housing would be located in a highly sustainable location. Walking and cycling to local services and facilities would be very feasible for future occupiers as would the use of public transport. This would help promote active and healthy lifestyles for future occupiers.
- The introduction of residential development on the site, which would replace a vacant site, would help increase footfall in the area and thereby help ensure the vitality and viability of the Kettering town centre.
- The proposal would make a contribution towards the Council's ongoing five-year housing land supply and would provide a mix of low cost units reflective of local need. The North Northamptonshire Joint Planning Unit Strategic Housing Assessment 2015 outlines that the largest housing requirement for Kettering Borough 2011-2031 is for 1 bedroom properties and this proposal would provide 6 such units.

Economic Benefits

- The development of this brownfield site within Kettering will generate employment during the construction phase of development.

- As the introduction of residential development would increase the footfall of the area, these future residents would help sustain and support the businesses in Kettering town centre.

6.33 In addition to the above, it is considered that the proposal would constitute an enhancement to the approved and extant scheme under LPA Ref: 19/KET/0203. The is because:

- The scheme would be of a higher-quality design using contemporary material, but also reinforcing local distinctiveness.
- It would reduce the overbearing impact upon Job's Court due to its greater set back.
- The proposal would provide a better standard of amenity for future occupiers given that the floor areas of the flats would be significantly more generous than approved. This is also because there is no longer a need for a light well as a primary source of light to some of the bedrooms.
- The proposed ground floor flats are designed for disabled assisted living and these flats meet Category 2 of the National Accessibility Scheme (building Regulations Part M4(2)).
- Secure cycle parking has been provided alongside this application which allows enables residents to utilise sustainable forms of transport.

7 Summary and Conclusions

- 7.1 This Statement of Case is submitted in support of an appeal for the erection of 11 no. apartments at Land Adjacent to the Prince of Wales, Job's Yard, Kettering.
- 7.2 The Council has raised no objections to the principle of residential development at this site.
- 7.3 This Statement has demonstrated that the design of the proposed building would sympathetically integrate with the street scene, and therefore the proposed development would not cause detrimental harm to the character and appearance of the area nor would it cause harm to the setting of the Kettering Town Centre Conservation Area.
- 7.4 Further to this, the proposal would not result in undue harm to the amenities of the residents of Job's Court in terms of the creation of an overbearing impact, loss of outlook, overlooking or loss of privacy.
- 7.5 In addition, the scheme would provide numerous social, economic and environmental benefits which collectively substantially weigh in favour of the appeal scheme, including the regeneration of this area of Kettering town centre and the re-use of a vacant brownfield site in a sustainable town centre location.
- 7.6 It is therefore respectfully requested that the Council consider the arguments put forward here and allows the appeal.

