

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 29/10/2013</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Marie Down Assistant Development Officer</b>	<b>Application No: KET/2013/0535</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>175A Beatrice Road (garages adj to), Kettering</b>	
<b>Proposal</b>	<b>Full Application: 6 no. one bedroom flats</b>	
<b>Applicant</b>	<b>Mrs J Pettit Mind,</b>	

### **1. PURPOSE OF REPORT**

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

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 shown on drawing number 3124.13.05 received by the Local Planning Authority on 27/08/2013 and drawing number 3124.13.03 C, received by the Local Planning Authority on 16/10/2013.

REASON: In the interest of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Due to the previous potentially contaminative use of the site and the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out.

Development on land affected by contamination:

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to d have been complied with. If

unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

#### A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11(or any model procedures revoking and replacing those model procedures with or without modification)'.

#### 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.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

#### E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the National Planning Policy Framework.

4. No development 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: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall commence on site until a scheme for boundary treatment and details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme for boundary treatment has been fully implemented and the approved surfacing has been completed in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The first floor windows on the western elevation (Flat 4) shall be top-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The development hereby approved shall not be occupied until the approved refuse storage area has been fully implemented. The refuse store shall be retained as approved thereafter.

REASON: In the interest of amenity and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Flat 1 shall have permanent access to the garden to north/rear of No. 175 Beatrice Road as shown drawing number 3124.13.03 C received by the Local Planning Authority on 16/10/2013.

REASON: In the interest of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. No development shall take place within the site until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

REASON: To ensure that features of archaeological interest are properly examined and recorded, in accordance with paragraph 141, policy 12 of the National Planning Policy Framework.

11. The development hereby permitted shall not be carried out other than in accordance with the submitted Sustainability Appraisal and Energy Statement received by the Local Planning Authority on 27/08/2013 and the Sustainability Statement received by the Local Planning Authority 19/08/2013.

REASON: In the interest of securing sustainable development in accordance with policy 14 (b) of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2013/0535**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/2008/0316 – Outline Application: Residential development. 3 no. flats – Approved 12/06/2008

#### **175 Beatrice Road:**

KET/2013/0534 - Change of use from Guest House to House in Multiple Occupation – Pending

- This application has been submitted by Kettering Mind and relates to the property adjacent to the north of the application site. The application seeks a change of use of the current guest house and is pending decision. Should both applications be granted planning permission the sites will form a cohesive development providing supported accommodation and will be overseen by Kettering Mind.

#### **Site Description**

Officer's site inspection was carried out on 16/09/2013 and 25/09/2013. The application site is located on Beatrice Road, to the north of Kettering town centre. It is located approximately 12 metres west of the junction of Beatrice Road and Hallwood Road. The application site is currently occupied by eleven garages, positioned along the shared boundary with No. 175 Beatrice Road to the west. Adjoining the eastern boundary of the application site is a carpentry workshop which has a number of windows facing onto the application site which are either high level or obscure glazed. The surrounding area is characterised by a mix of residential and light industrial uses. Parking on Beatrice Road typically takes place on the street.

#### **Proposed Development**

The proposal involves the demolition of the existing garages and the erection of 6 no. one bed flats in two blocks.

The first block fronts onto Beatrice Road and is two storeys in height, providing one flat at ground floor and two flats at first floor level. This block incorporates an undercroft which provides access to the second block.

The second block is built up to the rear boundary wall shared with properties on Kingsley Avenue. This block is one storey in height adjacent to the rear boundary wall and increases to two storeys at 9 metres from the rear boundary wall. This block provides two flats at ground floor and one flat at first floor.

The proposed development will be operated by the charity, Kettering Mind, who provide support and advice to empower people experiencing a mental health problem. The development will provide supported accommodation for the people they work with.

Amended plans revising the design of the development have been received and are being consulted upon. Any comments received will be reported in the Committee update.

Following receipt of last minute comments from the Highway Authority further amended plans have been requested to increase the access width. This is discussed in further detail in Section 7, subsection 5 "Parking and Highway Safety" of the report below.

**Any Constraints Affecting The Site**  
None.

#### **4.0 Consultation and Customer Impact**

##### **NCC Highway Authority**

Comments received 21<sup>st</sup> October 2013:

- Adequate parking spaces for the development given its town centre location.
- Parking and turning arrangements are acceptable.
- Access width is required to be 4.5 metres for the first 10 metres back from the highway boundary in order to prevent vehicles protruding into the highway whilst waiting for emerging vehicles to clear.

##### **NCC Archaeology**

Recommends the application of an archaeological programme of works condition.

##### **Environmental Health**

No objection subject to the application of a condition relating to contaminated land.

##### **Environmental Care**

The refuse storage area will need to accommodate 6 no. 140 litre bins for general waste, 2 no. 240 litre bins from comingled recyclables and 1 no. 240 litre bin for comingled paper recycling. The refuse storage area indicated on the plans, at the entrance to the development, is acceptable.

##### **Neighbours**

160 Kingsley Avenue:

- Support the application in its majority but oppose the need to have flats backing on to the gardens of Kingsley Avenue. This is not consistent with the pattern of development on Beatrice Road.
- Concern regarding noise pollution.
- Concern about the maintenance of the large tree situated in the

adjacent property and that backs onto No. 158 and No. 160 Kingsley Avenue.

162 Kingsley Avenue:

- The two storey element of the proposed development is too close to properties on Kingsley Avenue and will make the already small gardens feel enclosed.
- Request that the plans be modified to make the two storey flats more in line with the rear of the existing building next door.

89 Hallwood Road:

- The number of flats proposed constitutes overdevelopment considering the site has a small frontage.
- The roads surrounding the junction of Beatrice Road and Hallwood Road are already busy, there are two businesses in the immediate area and the prospect of additional traffic is a concern.

52 Neale Avenue:

- Parking in the area is at a premium, this application and the application for the adjoining property means more on-street parking.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles

Policy 6 – Delivering a Wide Choice of Quality Homes

Policy 7 – Requiring Good Design

Policy 12 – Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy**

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution and Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

#### **Local Plan**

Policy 35 – Housing: Within Towns

#### **SPGs**

North Northamptonshire Sustainable Design SPD

## **6.0 Financial/Resource Implications**

None.

## **7.0 Planning Considerations**



The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Impact on Character
3. Impact on Neighbouring Amenity
4. Contaminated Land
5. Parking and Highway Safety
6. Sustainable Construction
7. Archaeology
8. Comments on other points raised by proposal

### 1. Principle of Development

The application site is a brownfield site located in an established residential area, within the town boundary of Kettering as defined by Policy 35 of the Local Plan. Paragraph 49 of Policy 6 of the National Planning Policy Framework requires applications for residential development to be considered in the context of a presumption in favour of sustainable development. Paragraph 111 of the National Planning Policy Framework encourages the effective use of land by re-using land that has been previously developed. Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development towards existing urban areas and identify Kettering as a 'growth town' and as such indicate that Kettering should be a focal point for development. Policy 13 of the North Northamptonshire Core Spatial Strategy supports residential development provided there is no adverse impact on character and appearance, residential amenity or highway safety. The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria as set out below.

### 2. Design and Impact on Character

Policy 7 of the National Planning Policy Framework promotes good design while Policy 13 (h) of the North Northamptonshire Core Spatial Strategy requires development to be of a high standard of design, architecture and landscaping and to respect and enhance the character of its surroundings.

The proposal involves the demolition of 11 no. garages and the erection of 6 no. one bed flats. The flats will be built in two blocks with the first block fronting Beatrice Road. The original submitted design of this block has been revised following concern that the proposal did not reflect the character of the adjoining property, No. 175 Beatrice Road, which would have a resultant adverse impact on the street scene. Following the revisions the eaves height and ridge height of this block now match No. 175. In order to achieve the same ridge height the footprint of the ground floor had to be extended resulting in the loss of one of the proposed parking spaces. The windows at first floor level on the front elevation have also been revised to reflect the style and proportions of the first floor windows of No. 175. As a result it is considered that the

proposal sits comfortably in the street scene and presents a more cohesive design approach when viewed from the public realm. The front block also incorporates an undercroft which provides access to the second block of flats and features a bay window on the front elevation which is also in keeping with neighbouring properties in the vicinity of the application site.

The second block of flats runs along the western boundary of the application site and adjoins the boundary to the rear of the site. This block is one storey in height adjacent to the rear boundary wall and increases to two storeys at 9 metres from the rear wall. The application site is located in close proximity to the junction of Beatrice Road and Hallwood Road and given that the development to the east of the site is single storey in height, this second block will be visible in the public realm. However, the design of this block is considered acceptable. A condition will be applied to the permission requiring details of external facing and roofing materials, together with samples, to be submitted and approved in writing to the Local Planning Authority prior to the commencement of the development. Subject to this condition it is considered the proposal as a whole complies with Policy 7 of the National Planning Policy Framework and Policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

### 3. Impact on Neighbouring Amenity

Policy 13 (l) of the North Northamptonshire Core Spatial Strategy requires development not to result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

To the east a single storey carpentry workshop, associated with Hallwood Furniture, adjoins the boundary with the application site. The workshop has 2 no. obscure glazed windows and 3 no. high level windows in the elevation facing the application site and as such there are no concerns in terms of overlooking. Two first floor windows are proposed in the western elevation of Block 2 which will serve the living space of proposed Flat 4. These windows overlook the amenity space of the neighbouring property No. 175. Although the development proposed under this application is associated with a separate application for a proposed change of use of No. 175 and both will be operated by Kettering Mind, Flat 4 will not have access to the amenity space. Given that this room has an alternative source of light on the eastern elevation it is considered appropriate to apply a condition requiring these windows to be obscure glazed and top-opening.

Flat 1 on the ground floor has a bedroom window in the west elevation which also faces onto this amenity space. However, given that this flat has access to the amenity space it is considered that the degree of overlooking experienced will not be any greater than that experienced by the existing bedrooms of No. 175 Beatrice Road which have

windows facing onto the amenity space. Windows proposed in the north elevation of Block 1 and the south elevation of Block 2 are intended to serve as bathroom windows and therefore will be glazed with obscure glass such that there will be no overlooking impacts. Furthermore, as flats have no permitted development rights the insertion of additional openings in the future would require planning consent.

Two objections were received in relation to the impact of Block 2 on the properties to the rear on Kingsley Avenue. One objection specifically relates to the two storey element of the block which is argued to have an overbearing impact on the gardens of the properties on Kingsley Avenue. However, the two storey element of the block is 9 metres from the boundary wall, the gardens on Kingsley Avenue are, at a minimum, 13 metres deep and considering the orientation of the properties in relation to the path of the sun it is considered the proposal will not have a significantly adverse impact in terms of overbearing or loss of light to warrant a refusal of planning permission in this instance. The second objection relates to the erection of residential development adjacent to the rear boundary and the resultant noise impact. While the single storey element of this block will exceed the height of the existing garages given the orientation of the dwellings it is considered that there will be no significant adverse impact in terms of loss of light or overbearing. Furthermore, it is considered that the proposed residential development will not have an adverse impact in terms of noise pollution.

A refuse storage area is proposed at the entrance to the site, beneath the undercroft. This area is sufficient in size to accommodate 6 no. 140 litre bins for general waste and 3 no. 240 litre bins for co-mingled recyclables which is the quantity of bins recommended by Environmental Care. However, following receipt of last minute comments from the Highway Authority (see Section 5 below) the location of the refuse store may need to be relocated within the site.

In conclusion, the proposal is considered to comply with Policy 13 (I) of the North Northamptonshire Core Spatial Strategy which requires development not to have an adverse impact on neighbouring amenity.

#### 4. Contaminated Land

Due to the previous potentially contaminative use of the site and the underlying geology present throughout Northamptonshire, a full ground investigation will be required to prevent unacceptable risks to future occupants of the site. Subject to this, the proposal is considered to be in accordance with Policy 11 of the National Planning Policy Framework.

#### 5. Parking and Highway Safety

The original plans submitted provided parking for two vehicles in an undercroft to the rear of Block 1. A number of objections have been received on the grounds of insufficient parking to accommodate the number of flats proposed. The original scheme has been revised so that

the ridge height of Block 1 could match the ridge height of No. 175 Beatrice Road. To achieve this, the footprint of the ground floor had to be extended resulting in the loss of one of the proposed parking spaces in the undercroft. However, given the application site's town centre location and the availability of on-street parking it is considered that the proposed development will not have an adverse impact on the highway network nor will it prejudice highway safety. The Highway Authority has been consulted on the application and has raised no objection to the proposed parking provision. Furthermore, a representative of Kettering Mind has confirmed that it is unlikely that future occupants of the development will be car owners. Indeed they have advised that they currently have 25 beds across Kettering for supported accommodation with only two residents that are car owners. As such the impact on parking will be limited.

Late comments received from the Highway Authority state that the access needs to be 4.5 metres wide for the first 10 metres back from the highway boundary. In taking these comments on board, amended plans have been requested from the applicant to increase the access width. To do this, the refuse store (and cycle store if required) will need to be relocated within the site. The amended plans will be put before Committee in the update. It is not considered necessary to re-consult members of the public on this latest amendment given that no public comments received have raised concerns regarding the access width or the refuse storage area. The Committee Update will also amend Condition 2 of the permission so that it refers to the correct approved drawing number. Condition 8 of the permission relating to the refuse store is also likely to be updated should the refuse storage area be relocated to increase the access width.

In conclusion, it is considered that the proposal complies with Policy 13 (n) of the North Northamptonshire Core Spatial Strategy.

#### 6. Sustainable Construction

Policy 14 (b) of the North Northamptonshire Core Spatial Strategy requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD. The application includes a Sustainability Appraisal and Energy Statement and a Sustainability Statement which responds to the questions set out in the Sustainable Design SPD Checklist. Together these documents demonstrate that the development incorporates techniques of sustainable construction and energy efficiency and waste reduction and recycling. Subject to the application of a condition securing compliance with these documents it is considered the provisions of Policy 14 (b) of the North Northamptonshire Core Spatial Strategy have been met.

### 7. Archaeology

NCC Archaeology Department has advised that there is potential for remains of archaeological interest to be present on the site and as such has recommended that a condition for an archaeological programme of works be applied should planning permission be granted. This ensures any features of archaeological interest are properly examined and recorded in accordance with Paragraph 141 of Policy 12 of the National Planning Policy Framework.

### 8. Comments on other points raised by proposal

One representation received expressed concern relating to the maintenance of a tree located on the adjacent plot No. 175 Beatrice Road. Due to its location outside of the application site boundary this is not a material consideration in the determination of this planning application.

### Conclusion

The proposal conforms to national policies and the Development Plan and raises no adverse impacts in respect of design and character, neighbouring amenity or highway safety. The proposal is, therefore, recommended for approval subject to conditions.

#### **Background Papers**

Title of Document:  
Date:  
Contact Officer:

Marie Down, Assistant Development Officer on 01536  
534316

#### **Previous Reports/Minutes**

Ref:  
Date: