

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/12/2013	Item No: 5.8
Report Originator	D Law Development Officer	Application No: KET/2013/0664
Wards Affected	All Saints	
Location	1 Wilson Terrace, Kettering	
Proposal	Full Application: 1 no dwelling	
Applicant	Mr G Saddington	

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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, C and D 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 13 of the North Northamptonshire Core Spatial Strategy

3. 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.

4. 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.

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.

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 13 of the North Northamptonshire Core Spatial Strategy

5. The development hereby permitted shall not be carried out other than in accordance with the submitted Design and Access Statement and Sustainability Appraisal and Energy Statement (received 10.10.2013).

REASON: In the interests of sustainable development in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

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

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The development hereby permitted shall not be carried out other than in accordance with the amended plans and details shown on drawing number S/401/1 REV A.

REASON: In order to secure an appropriate development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2013/0664

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

3.0 Information

Relevant Planning History

KE/2004/0062 - Erection of two storey 2 no. bed dwelling house - refused

APP/L2820/A/04/1148714 – dismissed. The appeal was dismissed as the scheme did not adequately respect local character of the amenities of the neighbouring occupiers of 1 Wilson Terrace.

KET/2012/0656 – 1 no dwelling - withdrawn

Site Description

Officer's site inspection was carried out on 30/10/2013 and 19/11/2013. Wilson Terrace is located to the north of Kettering town centre in the All Saints Ward. The principle use in the immediate area is residential with some retail in the form of a corner off license and a tile store. The site is located on the eastern side of Wilson Terrace, is approximately 85m² (0.009ha), triangular in shape and is garden land formerly associated with number 1 Wilson Terrace. The site is enclosed by the rear walls of the brick built former home workers outbuildings to the south which are 3m high, a partial 2m high brick wall to the east and the end gable of 1 Wilson Terrace to the north, separated by a pathway and 1.8m close boarded fence. The site has been subject to untidy land enforcement action as it was judged to be adversely affecting the amenity of the area as it was being used for fly tipping, the owner informally complied with the warning letter sent and the case was closed.

The overriding character of the area is that of terraced residential with on street parking. The site has the strongest links with the domestic row of terraces to the north which follow the same building line and have open front gardens with various low boundary treatments and enclosed rear gardens behind. These front gardens mitigate against the sensation of enclosure in the locale which can be said to be dominated by red brick and slate roofs. A previous appeal against a residential proposal (APP/L2820/A/04/1148714) stated that 'despite the alterations doors and windows, these two storey houses have a regularity in scale and form that provides a rhythm and character to the street'

Proposed Development

1 no dwelling

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Highway Authority

No objection to the scheme subject to the applicant ensuring that no obstruction of the pathway occurs during construction

KBC Environmental Health

No objection to the proposal subject to standard conditions

Neighbours

One objection received in relation to the application:

- 57 Wood Street – overshadowing and affect of building works on existing boundary wall

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17 – Core planning principles

Section 6 - Delivering a wide choice of high quality homes

Paragraph 51 - Delivering a wide choice of high quality homes

Section 7 – Requiring good design

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

Policy 15 - Sustainable Housing Provision

Local Plan

Policy 35 Housing within towns

Supplementary Planning Guidance

North Northamptonshire Sustainable Design SPD

Other Guidance

Northamptonshire County Council Highways Authority Standing Advice

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Character and appearance

3. Residential amenity
4. Contaminated land
5. Parking and highways
6. Sustainable Design and Construction

1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that a Local Authority should determine applications in accordance with the Development Plan. The Development Plan currently consists of North Northamptonshire Core Spatial Strategy and the 1995 Local Plan for Kettering Borough.

Policy 9 of the North Northamptonshire Core Spatial Strategy directs development to existing settlements within the Borough and policy 13 of the North Northamptonshire Core Spatial Strategy seeks to protect the amenity of existing residents. Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of a presumption in favour of sustainable development. A residential development on this previously developed land would help to achieve the housing targets set in the CSS, as well as the requirement of CSS Policy 9 to deliver 30% of new housing on brownfield land which is enforced by paragraph 17 of the NPPF that encourages the effective reuse of previously developed land. The site is located within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area which is considered to be in a sustainable location. Kettering is identified in policy 1 of the North Northamptonshire Core Spatial Strategy as a growth town which will provide the focus for development. As a result of the above, the principle of residential development on this site is considered to be in accordance with local and national policy

2. Character and appearance

Policy 7 of the NPPF and Policy 13 of the CSS requires new development to raise standards; to be of a high standard of design and architecture; to respect and enhance the character of its surroundings; and to create a strong sense of place by strengthening distinctive historic qualities and townscape through its design.

The proposal is for a two storey detached dwelling on a triangular area of former garden land. The land is adjacent to a uniform and rhythmic row of terraced dwellings which can be said to be the defining character of the locale. Any development in this location would be viewed primarily within the context of properties. This view is supported by the appeal decision (APP/L2820/A/04/1148714) where the inspector stated that 'the site visually relates to and 'reads' as part of the adjacent terrace'.

It is considered that this infill development has been carefully designed to coalesce well into the street scene of Wilson Terrace by referencing the surrounding architectural style of the adjacent terrace with red

brick/mock slate tile materials that respond to the existing character of the immediate area. The design echoes the features of the neighbouring terrace of houses by way of window treatment and decorative brick bands with a low front boundary wall that generates a regular linear building line with small front gardens. The proposed roof pitch is in line with neighbouring properties.

The proposal could actually be considered to improve the amenity of the area by improving the street scene with an appropriately designed scheme and by removing the potential for fly tipping on the site as has happened in the past.

The proposal fulfils the character and appearance criterion of Policy 7 of the NPPF and policy 13 of the CSS

3. Residential amenity

Paragraph 17 of the NPPF states that planning should always seek a good standard of amenity for all existing and future occupiers of land and buildings. Policy 13 (l) of the CSS states that development should not result in an unacceptable impact on the amenity of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposal is not considered likely to have an unacceptable impact in terms of noise, vibration, smell, light or other pollution. The key issues are therefore loss of light, over bearing impact and overlooking. The principle effect of the proposal would be on number 1 Wilson Terrace immediately to the north of the application site and the properties on Wood Street to the south of the site.

The building line follows that established by the row of terraced properties to the north thereby negating any adverse impacts of light loss or overlooking in the north, east or west elevations of 1 Wilson Terrace. The site is separated by 1 Wilson Terrace by a right of way allowing access to the rear. In the southern elevation of number 1 are a slim set of patio doors that serve the kitchen/diner. Through negotiation and as a result of lessons learnt from the previous withdrawn application (KET/2012/0656) the rear (eastern) aspect has reduced to a single storey with a hipped roof in order to allow light into this secondary source of light to the room which is served by an existing window in the east elevation.

In addition it is considered that the development wouldn't result in a significant loss of light as there is an existing 1.8m close boarded fence in situ, mentioned by the inspector in 2004, resulting in the occupier's already experiencing lower light levels to these doors due to fence and the orientation in relation to the path of the sun.

There would, of course, be some physical impact on no. 1 when compared to the existing situation as there are currently no structures on the site. However, it must be considered that it would be

unreasonable to expect a town centre site in an urban environment to remain undeveloped in perpetuity – a loss of light therefore being inevitable at some point. It is considered that the scheme proposed has done the utmost to mitigate these impacts, which cannot be considered as unacceptable when judged against Core Spatial Strategy Policy 13.

The residential development on the plot would not cause any negative impact with regard to noise, vibration, smell, light or other pollution to any properties on Wood Street. An objection was received from the residents of 57 Wood Street to the south of the site concerning overshadowing of their property however there is a separation distance of over 10m to these properties including a 2.7m (approx) high outbuilding and as this property is south of the site, the path of sun is not affected by the proposal. No windows are proposed on the southern elevation of the proposed dwelling, thus there will be no loss of privacy to adjacent dwellings on Wood Street.

Overall it is considered that the proposal would have an acceptable impact on the amenity of neighbouring properties, and on the future amenity of residents of the proposed dwellings, in accordance with Policy 13 of the CSS. The layout, scale, mass and design is such that no unacceptable negative impacts in terms of overlooking, overbearing, loss of light or loss of privacy should occur. The impacts are considered reasonable and appropriate to the context and character of the area.

There is a small area to the rear of the plot accessed by a shared passageway that will be utilized for the storage of bins and cycles and is considered sufficient to meet the amenity and storage needs for a dwelling of this size.

For the reasons given above, the proposed scheme is acceptable and conforms to policy 13(l) of the North Northamptonshire Core Spatial Strategy which requires that development should not result in an unacceptable impact on the amenities of neighbouring properties

4. Contaminated land

A consultation response from KBC's Environmental Health department, having reviewed the information provided by the applicant to determine the likely impact on future occupiers of the site and surrounding premises, stated that they had no objection to the application subject to the standard condition being applied, should consent be given. This is due to 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 requisite investigation being carried out.

5. Parking and highways

The surrounding property's existing car parking arrangements are on

street parking. The provision of a further dwelling would increase the demand for off road parking however the proximity of the town centre with access to car parks and public transport negates any adverse impacts as a result of the proposal. NCC Highways department were consulted and raised no objection to the scheme subject to the applicant ensuring that no obstruction of the pathway occurs during construction.

As a result, the proposal conforms to the highway orientated aims of criteria's 'd' and 'n' of CSS policy 13 which state that development requires a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standard and to not have an adverse impact on the highway network and to not prejudice highway safety.

6. Sustainable Design and Construction

Policy 14 of the North Northamptonshire Core Spatial Strategy requires new development to incorporate techniques of sustainable construction and energy efficiency, that there is provision for waste reduction and recycling and there is provision for water efficiency and water recycling. The submitted Design and Access Statement included a sustainability appraisal and energy statement (Appendix A) which specified the approach proposed with regards to the above matters. The key components of this included:

- Recycling facilities
- Secure cycle storage
- Condensing Combination Gas Boiler
- Warm air recycling and controlled extraction
- Energy efficient lighting
- Insulation that will exceed requirement of Part 1 OF Building Regulations by 10%
- Spray taps and dual flush toilets

The combination of these various component parts allows the proposed dwellings to meet the requirements of policy 14 of the CSS, and a condition will be applied on any approval to ensure that the development is built out in accordance with these details.

Conclusion

The proposal is in accordance with the National Planning Policy Framework and policies of the North Northamptonshire Core Spatial Strategy. There would be no unacceptable amenity impacts and there are no material planning considerations that would indicate against approval. The proposal is, therefore, recommended for approval.

Background Papers

Title of Document:

Previous Reports/Minutes

Ref:

Date:

Contact Officer:

Date:

D Law, Development Officer on 01536 534316