

BOROUGH OF KETTERING

Committee	Full Planning Committee - 29/07/2014	Item No: 5.2
Report Originator	Alison Riches Development Officer	Application No: KET/2014/0346
Wards Affected	St. Peters	
Location	6 Grasmere Road, Kettering	
Proposal	Full Application: Conversion of ground floor retail unit to 1 no. two bedroom flat including single storey front extension.	
Applicant	Mr R Goodfellow Cytring Ltd,	

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. 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:

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 conditions 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,
 - ground waters 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'.

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.

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.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

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

4. The residential unit hereby approved shall not be first occupied until a scheme for limiting the transmission of noise between individual units of accommodation has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be completed before unit of accommodation is first occupied.

REASON: To protect the amenity of occupants of the proposed flats and adjacent residential properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall 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 energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

6. The residential unit hereby approved shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping the rear amenity space. The scheme shall be carried out as approved in the first planting and seeding seasons following the occupation of the residential unit.

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 residential unit hereby approve shall not be first occupied until a scheme for the storage of bins at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be completed before unit of accommodation is first occupied.

REASON: To protect the amenity of occupants of the proposed flats and adjacent residential properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0346

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

3.0 Information

Relevant Planning History

KB/67/0242. 2 shops, flats and garages. Approved 29/06/1967.

Land adjacent to No.4 Grasmere Road (Now No.2)

KE/01/0105. Demolition of existing shop area; erection of bungalow. Approved 30/03/2001.

Site Description

Officer's site inspection was carried out on 11/07/2014.

The application site is located to the west of Kettering town in an established residential area built in the 1960s, and is a former retail unit at ground floor with a flat at first floor level. The former retail premises comprised 2 no. units with an access off Windermere Road to the west of the application site behind the existing buildings. The single storey element of No.4 Grasmere Road was demolished and the bungalow at No.2 Grasmere Road built in the early 2000s. There is a lay-by in front of Nos.2, 4 and 6 Grasmere Road.

The application site is at No.6 Grasmere Road and is a two-storey semi-detached red brick building with vertical hanging tiles between the ground and first floors and a tiled gable roof with an east to west ridge. At ground floor level is a horizontally emphasised shop front, with a door at the western end providing access to the first floor flat. At first floor level there is further horizontally emphasised fenestration. The whole building is of a style typical of its 1960s origin. The adjoining building to the west (Nos.4 and 4A Grasmere Road) is identical but the shop front has been altered to provide a front door for each residential unit and two no. horizontally emphasised windows for the ground floor accommodation.

There is a small forecourt in front of the building which abuts the back of the highway edge, and the applicants propose to enclose this forecourt with a low boundary wall to be built out under permitted development rights, and therefore outside the scope of the current planning application. To the east of the application site is an electricity substation which is enclosed on all sides by wooden panel fencing. At the rear of the property is a small area of tarmac containing two no. single garages. This area was formerly used by the retail units for deliveries and for vehicular access and it has now been separated off from the remainder of the access road by a 1.8 metre high boundary fence which encloses the whole of the outside area.

Surrounding development is all residential and was built at the same time as the retail units and comprises single and two-storey semi detached properties with off-street parking. Grasmere Road has the facility to provide unrestricted

off road parking but Windermere Road to the west is part of the Residents Parking Scheme to prevent on-street parking due to the close proximity to Kettering General Hospital.

Proposed Development

The proposal is for the change of use of the ground floor only from retail to a two bedroom flat with a small front extension.

The original proposal included the provision of boundary walls but these were removed from the submitted scheme and the red line around the application site was amended.

The red line around the application site was further amended to include an area in the ownership of the applicants to the south of the building on site, to be used as amenity space for the proposal.

The resultant proposal is therefore for a change of use of the ground floor retail unit to a two bedroom flat with a small front extension.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

Highway Authority

- No objection.

Neighbours

2 letters of objection received with the following material planning considerations:

- If the shop and flat above converted to a house it would be in keeping with the area and would potentially need 2 parking spaces.
- If it becomes 2 flats it will potentially need 4 parking spaces, and like the neighbouring flats be less in keeping with the surrounding properties.
- Plans don't make it obvious what's happening to the garages behind – are they being used for parking or removed to make a garden. Garages belong to No.6 and are accessed via a shared lane behind Nos. 2, 4, 4a and 6.
- If we interpret the plans, all parking for these flats will be on the road, this then might cause a problem.
- When Residents Parking was introduced in Windermere Road, double yellow lines were put in at the top of Grasmere Road on the opposite side to the planning application. This area would be the first place people would be able to park without a permit.
- Yellow lines have made the area safer. Looking for some assurance that the yellow lines will stay in place and not be removed to increase the number of parking space is the area whether for the proposed new property, existing residents or for general parking.
- The application states provision for on-street parking which is at best poor and difficult for the present residents and is made up of a lay-by

- previously used to service the shops.
- Restrictions on the opposite side of the road due to double yellow lines for residents parking.
 - Application mentions a wooden gate at the side for entry yet there is a wooden gate at the rear with access to the garages and back garden.
 - Large Sycamore Tree in a property in Bowhill whose branches overhang the garden and back of Nos.2, 4, 4a and 6 Grasmere Road which may be possible cause of subsidence to a property that shares a boundary with the Bowhill property.

Reconsultation 15/07/2014 – Boundary wall removed, amendments to elevations, amendment to red line

Neighbours

Highway Authority

- No objection.

Environmental Health

Reconsultation 16/07/2014 – Further amendments to red line to include land to the south of the existing building

Neighbours

Highway Authority

- No objection.

Environmental Health

5.0 Planning Policy

National Planning Policy Framework

- Policy 1. Building a strong, competitive economy
Policy 2. Ensuring the vitality of town centres
Policy 4. Promoting sustainable transport
Policy 6. Delivering a wide choice of high quality homes
Policy 7. Requiring good design

Development Plan Policies

North Northamptonshire Core Spatial Strategy

- Policy 9. Distribution & Location of Development
Policy 10. Distribution of Housing
Policy 11. Distribution of Jobs
Policy 13. General Sustainable Development Principles
Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

35. Housing: Within Towns

Supplementary Planning Documents

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The Principle of Development
2. Loss of a Community Facility
3. Character and Appearance
4. Residential Amenity
5. Parking and Highway Safety

1. The Principle of Development

Policy 1 of the National Planning Policy Framework (NPPF) encourages sustainable economic growth and policy 2 of the NPPF promotes competitive town centre environments looking to allocate town centre uses to appropriate town centre or edge of centre sites. Policy 6 of the NPPF 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 for Kettering Borough, in an established residential area where policy 35 is supportive of proposals for residential development in principle.

Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy direct new development to existing urban areas and indicate that Kettering is a 'Growth Town' and should provide a focal point for development. Policy 10 of the North Northamptonshire Core Spatial Strategy establishes that Kettering will provide a focal point for residential development.

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of new residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network. Policy 13 also requires new development not to lead to a loss of community facilities unless it can be demonstrated they are no longer needed

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2. Loss of a Community Facility

Policy 13(g) of the North Northamptonshire requires new development not to lead to a loss of community facilities unless it can be demonstrated they are no longer needed by the community and are not needed for any other community

use.

The retail unit was one of 2 no. purpose-built retail units built out in the 1960s under reference KB/67/0242 at the junction of Windermere Road and Grasmere Road, as a small local centre to serve the new housing estate enclosed by Northampton Road to the south, Kettering General Hospital to the north, the railway to the east and Gipsy Lane to the west.

When originally built, the retail units had a two-storey and single storey element. The first floor of the two-storey element contained 2 No. flats – Nos. 4a and 6a Grasmere Road – and the two retail units were Nos. 4 and 6. The retail unit at No.4 was a double unit, part of which was below No.4a and part was a single storey element.

The retail unit at No.4 was converted to a ground floor flat and the single storey element demolished and replaced with a bungalow (now No.2 Grasmere Road) in 2002. The application site retail unit has been empty since 1990 (according to Business Rates).

As the retail unit at No.4 Grasmere Road was replaced in 2002 by a bungalow and the remaining ground floor converted to a flat, and given that the retail unit at the application site has not been trading since 1990, it is considered that the community facility provided by the retail units has not been needed by surrounding residents and therefore the loss of the retail provision at the application site is accepted under the provision of this part of the policy.

To further support this stance, Kettering town centre and its retail facilities are no more than 1500 m from the application site.

As such, the proposal is in compliance with policy 13(g) of the North Northamptonshire Core Spatial Strategy

3. Character and Appearance

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings.

The proposal involves a small single storey front extension similar in its style and detail to the one at the adjoining ground floor property at No.4 Grasmere Road.

As the buildings at Nos.4 and 6 Grasmere Road were purpose-built in the 1960s to contain retail units, they are of a more functional, less detailed, character than the surrounding residential properties, although they have been constructed of the same palette of materials. As such, these buildings have their own character but are generally reflective of the prevailing development style of the 1960s with their horizontal emphasis, gable roofs and big windows.

It is considered that provided the materials match those on the existing building, the proposal retains the character and appearance of the existing building and its attached neighbour and does not adversely impact on

surrounding development or the wider street scene.

An issue in terms of the character and appearance of the site is the storage of bins. The neighbouring flats at Nos.4 and 4A Grasmere Road have no amenity space so store their bins at the front of the property behind a low boundary wall adjacent to the back of the highway which adversely impacts on the character and appearance of this part of Grasmere Road. As an area of amenity space is to be provided to the rear of the site, a condition is to be added requiring a scheme for bin storage to be submitted.

Subject to conditions relating to materials and bin storage, the proposal complies with policy 13(h) of the North Northamptonshire Core Spatial Strategy in that the proposal reflects and respects the character of its surroundings.

4. Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties.

The only physical amendment to the application site is the provision of a small single storey front extension to allow the conversion of the retail unit into a ground floor flat, and as such there will be no loss of daylight or sunlight to neighbouring properties.

As there is an existing first floor flat, a condition will be added to ensure there are no noise issues in relation to the travelling of sound between the two flats.

In terms of the future occupiers, some amenity land has been provided to the rear of the property and a condition will be added requiring a landscaping scheme to be submitted.

As such, subject to the imposition of conditions relating to noise and landscaping, the proposal complies with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

5. Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy 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.

Objections have been received relating to issues with parking in the area and in close proximity to the application site.

There are 2 no. garages to the rear of the site at the end of the access road from Windermere Road to the south of the buildings at Nos.2, 4 and 6 Grasmere Road, which provided parking when the building and its neighbours were purpose-built retail units. The access road was put in this location to allow access to the retail units for deliveries to ensure there were no issues of conflict between customers of the retail units and the delivery lorries. The

garages are to be demolished and the land incorporated as amenity space for the future occupiers of the ground floor unit at the application site. It is not considered appropriate to use the garages as part of a parking provision for the future occupiers as the movement of vehicles to the rear of Nos.2 and 4 Grasmere Road would lead to considerable disamenity to the occupiers of these properties by virtue of the close proximity of their living accommodation to the access road.

Parking is provided in a lay-by in front of Nos.2, 4 and 6 Grasmere Road for 6 vehicles clear of the highway. There is also provision in Grasmere Road for on-street parking which does not form part of the surrounding residents parking scheme in Windermere Road. Although the prevailing parking provision in Grasmere Road is for each residence to have sufficient off-street parking within its curtilage, the application site and Nos. 2 and 4 Grasmere Road were purpose-built retail units with residential above and were subject to an alternative parking provision within the lay-by. It is considered the parking requirement of one additional residential unit will not have an adverse impact on the highway network nor will it prejudice highway safety as the vehicles can be accommodated within the lay-by or the surrounding on-street area.

In addition, outside the remit of this planning application, there is the ability for residents of the three properties to apply for the lay-by to become part of the residents parking scheme in order to secure some specific parking facility for Nos.2, 4 and 6 Grasmere Road.

The scheme is therefore in compliance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Contaminated Land

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site will be necessary to assess the extent of contamination which will then inform a remediation scheme.

This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with paragraphs 109 and 121 of the NPPF which requires development to enhance the local environment by remediating and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990.

7. Sustainable Construction and Energy Efficiency

Policy 14(b) of the North Northamptonshire Core Spatial Strategy states that development should 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.

A condition will be added requiring the submission of details to demonstrate that the development is sustainable in respect of location, design, construction, materials, waste management and energy and water efficiency.

Conclusion

Subject to the imposition of conditions relating to materials, bin storage, landscaping, sustainable design and energy efficiency and contaminated land, the proposal complies with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: