

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2014</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Marie Down Assistant Development Officer</b>	<b>Application No: KET/2014/0418</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>116 Rockingham Road, Kettering</b>	
<b>Proposal</b>	<b>Outline Application: Demolish garage. Construction of 3 no. dwellings</b>	
<b>Applicant</b>	<b>Mr D Smith Northamptonshire County Council,</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. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C 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.

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.

6. Prior to occupation of the development hereby permitted, the new vehicular access shall be provided and pedestrian visibility splays of at least 2 metres by 2 metres shall be provided to the side of the vehicular access. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above footway level.

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

7. 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.

8. 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 development 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.

9. No development shall commence on site until details of a scheme for the storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.

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

10. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority: Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

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

## **Officers Report for KET/2014/0418**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2014/0517 – Conversion of offices to 3 no. dwellings (Part 3, Class J determination) – This “prior approval” application is reported to the same Committee.

KE/91/0771 – Change of use to provide residential and community social care support – NCC no objection

KE/90/1095 – Change of use from non-residential education centre to a hostel (C1) – NCC no objection

KB/67/411 – Change of use of house to children’s home – NCC permission deemed granted

#### **Site Description**

Officer’s site inspection was carried out on 07/08/2014. The application site is located to the north of Kettering town centre and comprises the rear garden/car park of 116 Rockingham Road. 116 is located on the corner of Rockingham Road and Charles Street and is occupied by a large three storey building fronting Rockingham Road with rear garden/car park forming the main frontage onto Charles Street.

Until recently the building was utilised by Northamptonshire County Council as an office. The original use of the building was a residential property and this element of the wider site is currently subject to a separate prior notification application under Class J of Part 3, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to convert the offices into 3 no. dwellings.

The site is currently accessed via Charles Street and the rear grounds provide a small garden area, a car park for 6 vehicles along with a detached garage which forms part of the boundary to the rear (east). The remainder of the boundary to the east consists of a 1.8 metre close boarded fence and 2 metre high brick wall. Boundary treatment to Charles Street and to the south consists of a 1.8 – 2 metre high red brick wall. Development in the surrounding area consists of two storey terraced properties, some of which are set back from the street and incorporate bay windows, others which front the highway.

#### **Proposed Development**

This application seeks outline planning permission for the demolition of an existing garage and the erection of 3 no. dwellings with all matters reserved except for access. The existing access on Charles Street will be blocked up and a new access will be created. The outline application is to utilise the

oversized garden/car port as three new 2 bedroom houses located as a continuation of the existing terraced properties on Charles Street.

### **Any Constraints Affecting The Site**

A Road

Nene Valley NIA Boundary

## **4.0 Consultation and Customer Impact**

### **Highway Authority**

No objection. Pedestrian visibility splays need to be shown on each side of the access. The applicant will need to apply for a A184 (Highways Act 1980) licence to relocate the vehicle crossover.

### **Walking and Cycling Officer**

No comments received.

### **Environmental Health**

No objection subject to the application of conditions in relation to contaminated land and working hours for construction sites.

### **Environmental Care**

No comments received.

### **Fire and Rescue**

No comments received.

### **Neighbours**

Four representations received objecting to the proposal on the following grounds:

- The dwellings will have small gardens and living accommodation and will not be in keeping with other properties in the area.
- The development will result in additional car parking in the area. Parking is already problematic given the presence of three care homes and a nursery in the area.
- This development and the adjacent conversion of 116 Rockingham Road to 3 no. dwellings do not provide sufficient car parking.
- The proposed access is too close to 118 Rockingham Road and will cause difficulty in accessing their garage.
- There will be parking issues on Charles Street at the construction phase of the development.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph 14 – The Presumption in Favour of Sustainable Development

Paragraph 17 – Core Planning Principles

Policy 4 – Promoting Sustainable Transport

Policy 6 – Delivering a Wide Choice of High Quality Homes

Policy 7 – Requiring Good Design

Policy 11 – Conserving and Enhancing the Natural 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 Development

#### **Local Plan**

Policy 35 – Housing: Within Towns

#### **SPGs**

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. Parking and Highway Safety
3. Design and Impact on Character
4. Impact on Neighbouring Amenity
5. Contaminated Land
6. Sustainable Construction and Design

#### **1. Principle of Development**

The application site is located in an established residential area within the town boundary of Kettering as defined by Policy 35 of the Local Plan. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. Paragraph 49 of Policy 6 of the NPPF requires applications for residential development to be considered in the context of the presumption in favour of sustainable development. Paragraph 17 of the NPPF encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value.

Policy 1 of the North Northamptonshire Core Spatial Strategy (CSS) directs development towards existing urban areas and identifies Kettering as a 'growth town'. This is supported by Policy 10 which identifies Kettering as a focal point for residential development. Policy 9 of the CSS states development will be distributed to strengthen the network of settlements as set out in Policy 1 and

states priority will be given to the reuse of suitable previously developed land within urban areas, followed by other suitable land in urban areas. The principle of development for this proposal is therefore established.

## 2. Parking and Highway Safety

Policy 13 (n) of the CSS states that new development should not have an unacceptable impact on the highway network or prejudice highway safety. The site currently has vehicular access from Charles Street which leads to a car park which accommodates six vehicles. The proposal involves blocking up this access and relocating it further west along Charles Street. The Highway Authority has been consulted on the proposal and has raised no objection subject to the provision of pedestrian visibility splays at either side of the access. This will be secured by condition.

There have been a number of objections to the proposal on the grounds that the development does not provide sufficient on site car parking and will result in additional car parking in the area. An objection has also been received on the grounds that the proposed access is too close to that of 118 Rockingham Road and will cause difficult accessing their garage. The proposal includes off street parking for 4 vehicles, one for each dwelling proposed plus a visitor space. This is considered sufficient for a development of this size.

As outlined above No. 116 Rockingham Road is the subject of a prior notification application under Class J of Part 3, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to convert the offices into 3 no. dwellings. The car park will also provide parking for four vehicles associated with this development. Given the site is located less than 500 metres from the town centre it is considered that the development will not generate a significant level of additional traffic over and above that which can be accommodated on site to warrant a refusal of planning permission. It is also considered that there will be no conflict between the proposed access and the entrance to the garage of No. 118 Rockingham Road. As such it is considered the proposal complies with Policy 13 (n) of the CSS.

## 3. Design and Impact on Character

Policy 6 of the NPPF requires local planning authorities to deliver a wide choice of quality homes. Policy 7 requires development to be of good design which is visually attractive, adds to the overall quality of the area and responds to local character while not preventing or discouraging appropriate innovation. Policy 13 (h) of the CSS requires development to be of a high standard of design and to respect and enhance the character of its surroundings.

The proposal involves the demolition of the single storey garage, relocation of the vehicular access and erection of 3 no. dwellings. The application is for outline only and therefore, the detailed design of the proposal will be assessed at the reserved matters stage. However, the indicative plans demonstrate that three terraced dwellings can be accommodated on the site. The plans indicate that the dwellings will be set back from the highway and incorporate bay windows which are prevalent design features in the surrounding area. It is



acknowledged that the rear gardens are small in size but the Council does not have any policies relating to the minimum amenity space requirements and nevertheless the space is considered adequate to serve a two bedroom dwelling. The sizes of the gardens are further reduced by the provision of a side access for refuse storage and it may be possible to incorporate a ginnel alley between the dwellings. This is a common feature throughout the surrounding area and will increase the size of the amenity space. This can be dealt with at the reserved matters stage. As such it is considered that 3 no. dwellings can be provided on the site and there will not be a detrimental impact on the character of the surrounding area.

#### 4. Impact on Neighbouring Amenity

Policy 13 (l) of the CSS states that development should not have an unacceptable impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

Although consideration will be given to the positioning of the fenestration at reserved matters stage, the indicative layout demonstrates that the development would not result in overlooking to neighbouring properties. The application site adjoins the boundary with No. 114 Rockingham Road which has a garage at the end of a 22 metre long garden. Any views from first floor windows in the rear elevation of the proposed dwellings will be of this garage, and given the oblique angle there will be no direct views to the rear of No. 114 Rockingham Road. The distance between the application site and Nos. 1, 3 and 5 Pollard Street is 23 metres which is considered to be sufficient in order to protect amenity.

Given the orientation of the application site in relation to the path of the sun and the depth of No. 2 Charles Street to the east of the site it is not considered that the proposal will result in any loss of light to neighbouring properties. It is also considered that no overbearing impact will arise as a result of the proposal.

Environmental Health have recommended a condition which limits the hours of construction to 8am to 6pm on Mondays to Fridays and 8.30am to 1.30pm on Saturdays and at no time on Sundays and Public/Bank Holidays. This will limit the impact on neighbouring amenity in terms of noise during the construction phase of the development. The proposal therefore accords with Policy 13 (l) of the CSS.

#### 5. Contaminated Land

Kettering Borough Council's Environmental Health Department was consulted on the proposal and have advised that an investigation is required to assess and quantify any risks to human health associated with any previous potentially contaminative use of the site and/or the underlying geology present throughout Northamptonshire. Subject to this, the proposal is considered to be in accordance with Policy 11 of the NPPF.

#### 6. Sustainable Construction and Design

Policy 14 (b) of the CSS 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. No such details have been provided at this stage; however, this can be secured by condition.

### **Conclusion**

S. 38(6) of the Planning and Compulsory Purchase Act requires applications to be determined in accordance with the development plan unless other material considerations indicate otherwise. The National Planning Policy Framework states that sustainable development should be approved without delay. The application site lies within the town boundary of Kettering and the proposal is in accordance with Policy 35 of the Local Plan and Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy. The proposed development does not raise any adverse impacts in terms of character and appearance, neighbouring amenity and highway safety. As such the outline application is 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: