

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 16/12/2014</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Richard Marlow Senior Development Officer</b>	<b>Application No: KET/2014/0363</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>Garages And Yards, Howard Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Demolition of garages. Construction of 7 no. dwellings</b>	
<b>Applicant</b>	<b>Mr Rossi C/O Agent</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. 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.

3. No development shall commence on site until 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 approved surfacing shall be completed before the development is first occupied.

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

4. 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 scheme shall provide secured gates to the rear access paths. 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 visual amenity of the development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy

5. 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 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 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 in accordance with policy 11 and paragraph 120 of the National Planning Policy Framework.

6. 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. No dwelling shall be occupied 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.

7. 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.

8. The parking and manoeuvring space hereby approved shall be provided prior to the first occupation of the buildings hereby permitted and shall be permanently retained and kept available for the parking of vehicles. There shall be no storage of any materials or household goods within the parking and manoeuvring area.

REASON: To ensure adequate on-site parking provision for the approved buildings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- i. Overall strategy for managing environmental impacts during construction;
- ii. Measures to control the emission of dust and dirt during construction;
- iii. Control of noise emanating from the site during the construction period;
- iv. Hours of construction work for the development
- v. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure within the site;
- vi. Designation, layout and design of construction access and egress points;
- vii. Details of measures to prevent mud and other such material migrating onto the highway from construction or demolition vehicles;
- viii. The erection and maintenance of security hoardings;
- ix. A scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

10. 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 D of Part 2 of Schedule 2 of the Order shall be erected on the application site.

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

### **Officers Report for KET/2014/0363**

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

#### **3.0 Addendum**

Following the deferral of the application at the 18<sup>th</sup> November 2014 Planning Committee the agent has responded to concerns about the bedroom sizes of plots 4 to 7 and the request to reduce the number of units to 6 dwellings.

The agent has submitted an amended elevation and floor plan (reference BS/04B) which omits the third bedroom from plots 4-7. The resultant bedroom sizes are 4.1m x a minimum of 2.7m for bedroom 1 and 4.1m x 2.4m for bedroom 2. Parking provision and ground floor accommodation remains unchanged from that previously considered at last months Planning Committee.

The applicant is not offering to reduce the number of proposed dwellings, for commercial reasons. It is considered that the amended scheme provides sufficient room sizes to protect the amenity of future occupiers of the dwellings in accordance with policy of the CSS. The agent has demonstrated flexibility in reducing the amended plots from 3 bedroom to 2 bedroom properties and considers that these revisions negate the need to reduce to number of units on site.

The officers previous assessment regarding the principle of development, highways, design and amenity remain unchanged, and the application is considered to accord with development plan policy. Having considered the amended information the application is again recommended for approval subject to conditions.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Richard Marlow, Senior Development Officer on 01536 534316

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

Ref:

Date: