

BOROUGH OF KETTERING

Committee	Full Planning Committee - 07/04/2015	Item No: 5.11
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2015/0176
Wards Affected	William Knibb	
Location	Garages And Yard, Howard Street, Kettering	
Proposal	Full Application: Demolition of garages. Construction of 7 no. dwellings	
Applicant	Mr Rossi C/O Agent - MVG Design,	

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 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.

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 and collection 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.

11. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers HS/04 received 24 February 2015, HS/02A and HS/03A received 24 March 2015 by the Local Planning Authority. Development shall not proceed other than in accordance with the approved plans.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0176

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

3.0 Information

Relevant Planning History

KET/2014/0363 - Demolition of garages and construction of 7 no. dwellings.
Refused 19 January 2015.

KET/2006/0569 - Outline application for residential development. Approved
08/08/2006.

KET1987/0647 - Garage/store to existing buildings. Approved 21/08/1987.

Site Description

Officer's site inspection was carried out on 20/03/2015. The application site is located on the western side of Howard Street, at its junction with Cromwell Road. Broadly rectangular in shape, the site has a frontage to Howard Street and accommodates a row of lock-up garages along part of the western boundary and an area of hardstanding that is used for parking and temporary storage. On the opposite side of Howard Street the housing consists of terraces two storey dwellings whilst on Cromwell Road there is a mixture of house types with predominantly pairs of semi-detached two storey dwellings adjacent to the site. To the west of the site is the National Grid Service Depot accessed off Meadow Road.

Proposed Development

The application seeks permission for the demolition of the existing garages and the construction of 7 no. dwellings on site.

Any Constraints Affecting The Site

Nene Valley NIA Boundary

4.0 Consultation and Customer Impact

Scheme As Submitted

Highway Authority

Objection due to the parking bay size and location

Environmental Health

No objection subject to the conditions relating to contaminated land and a

construction method statement being applied, should consent be given.

Environmental Care

No objection. There will then need to be a collection point on Howard Street.

Neighbours

5 representations received from neighbours objecting to the scheme on the following grounds:

- Insufficient car parking
- The small office will be used as a bedroom
- Overlooking and invasion of privacy.
- Additional traffic generated by the proposal.
- Security to the rear gardens of properties to the south on Meadow Rd given the passageways to the side of the properties. Gates should be provided to stop any unwarranted visitors.

Revised Scheme

Consultation of the revised scheme which removes the small office in plots 1 – 3 and provides 9 parking spaces on site is being undertaken at present. Any additional comments received will be set out in the committee update.

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 planning history of the site includes an approval in outline from 2006 for residential development on the site. The principle of development for this proposal is therefore established.

2. Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire CSS requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and do not

have an adverse impact on the highway network.

The site currently has vehicular access from Howard Street which leads to an area of hardstanding and a number of garages. The proposal involves a relocated access which is moved further south from its current location which maintains appropriate pedestrian visibility splays.

The application as submitted included 8 off street parking spaces for the 7 no. 2 bedroomed dwellings and the Highway Authority objected to the size and layout of the parking spaces provided. Amendments to the scheme through the course of the application have enabled an additional ninth parking space to be provided on site and the Highway Authority's concerns to be addressed. Parking issues have resulted in 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 on street car parking in the area. The Highways Authority has no objection to the level of parking proposed given the town centre location of the proposal. Reconsultation on the revised plan providing the 9 parking spaces is being undertaken at present with comments received provided within the Committee update.

The site is located within close proximity to the town centre, in an accessible urban location whereby alternative modes of transport to the car would be on offer. The revised parking provision is considered acceptable in this town centre location and as such it is considered that the proposal complies with Policy 13 (d) and (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 garages, relocation of the vehicular access and erection of 7 no. dwellings. The application provides two rows of terraced properties, one fronting Howard Street and the other providing a continuation of the east west built form on Cromwell Road and overlooking the private car park. The dwellings are uncluttered in their appearance and incorporate header details above the ground floor fenestration and small door canopies. An additional secondary window has been introduced within the southern most of the 3 terraced properties fronting Howard Street. This provides additional natural surveillance to the car parking

area and is an improvement from the previously submitted scheme.

A previous application KET/2014/0363 for 7 no. dwellings was refused at Planning Committee in December 2014 and the applicant has sought to address the reasons for refusal. In particular the 3 no. terraced properties fronting Howard street have been revised from 3 bedrooms to 2 bedroom properties, removing the small third bedroom and replacing it with an en-suite. The result is a scheme which provides 7 no. 2 bedroom properties and maintains appropriate levels of amenity for future occupiers.

The topography of the site which slopes from north to south and east to west results in a staggered built form for the row of four terraced properties following the natural contours of the site. Subject to conditions which secure appropriate materials the proposal will be in keeping with surrounding built form and at a commensurate density to the existing terraced properties on Howard Street. All properties benefit from private gardens with rear access to enable appropriate bin storage within each plot. The submitted plans indicate that a combination of closeboarded fencing and some existing brick walls will be utilised for boundary treatments and these details can be appropriately secured prior to development through conditions covering hard landscaping and boundary treatment.

In conclusion it is considered that the appearance, scale and mass of the proposed development respects the scale, style and character of the surrounding area and will be compatible within the wider street scene. The proposal, therefore, conforms to Policy 7 of the National Planning Policy Framework and Policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

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.

The orientation of the dwellings and the positioning of fenestration ensure that there would be no overlooking to neighbouring properties. No overbearing or light issues result from the proposal and separation distances between existing and proposed habitable windows are sufficient to protect amenity. Environmental Health has recommended that a construction management condition is attached to ensure that the construction of the development does not result in unacceptable amenity impacts for neighbouring properties. Neighbours to the rear of the site have also raised concerns about the rear passageways which serve the four terraced properties to the south of the site.

As such the boundary treatment condition attached to the permission specifies that the scheme submitted for approval should include the provision of gates to these access points to prevent public access to the rear gardens.

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 condition, 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.

The applicant has submitted a Sustainability and Energy Statement, and a Sustainable Design SPD Checklist which demonstrates how the requirements of the CSS and accompanying SPD would be met by the development. Subject to conditions which secure accordance with these documents and waste storage details to be submitted and approved prior to first occupation, it is considered that Policy 14(b) of the North Northamptonshire Core Spatial Strategy has been met.

Conclusion

The proposed development is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. The principle of development is established, there would be no unacceptable detrimental impact on neighbouring residential amenity and the design is appropriate. The application is recommended for approval, subject to conditions.

Background Papers

Title of Document:

Date:

Previous Reports/Minutes

Ref:

Date:

Contact Officer: Richard Marlow, Senior Development Officer on 01536
534316