

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/11/2015	Item No: 5.2
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2015/0524
Wards Affected	Burton Latimer	
Location	29 High Street (land to rear), Burton Latimer	
Proposal	Full Application: Conversion of factory into 3 no. flats	
Applicant	Mr C Phillips	

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, roofing and window 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: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Prior to the first occupation of the building the access drive, visibility splays and parking spaces shall be provided in accordance with drawing number BL/05 Rev A received by the Local Planning Authority on 15th October 2015 and shall be permanently retained thereafter.

REASON: To ensure adequate on-site parking provision for the approved building in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the north west, north east or south east or south elevation or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The windows on the north west elevation shall be non-opening and glazed with obscured glass in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The windows at first floor level on the north east elevation (rear elevation) shall be obscured in accordance with plan BL04B received 15 September 2015 and shall be glazed with obscured glass in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Any portion of the obscured windows that is within 1.7m of the floor of the room where the window is installed shall be non openable. The window shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 13 of the CSS.

7. No development shall commence on site 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 any of the units of accommodation are occupied.

REASON: Measures to limit the transition of noise are necessary prior to the commencement of development 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.

8. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: A programme of works is required prior to commencing of development to ensure the recording of any items of archaeological interest in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. 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.

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: A contamination survey prior to commencement is necessary 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 NPPF and 13 of the CSS.

10. The development shall be carried out in accordance with the Sustainability Statement received 26 June 2015 by the Local Planning Authority.

REASON: To ensure that the development incorporates techniques of sustainable construction, energy efficiency and waste reduction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0524

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

3.0 Information

Relevant Planning History

KET/2014/0164 – Conversion of factory to 3 no. dwellings – Withdrawn

KET/1988/0765 – Use of premises as joinery manufacture and offices – Confirmed as Permitted Development

KET/1987/0374 – Change of use from clothes factory to snooker centre – Refused

KET/1987/0199 – Change of use to snooker hall – Withdrawn

Site Description

Officer's site inspection was carried out on 21/07/2015. The application site comprises of a two storey former factory that is located to the east of High Street Burton Latimer. The site is L shaped in plan form and extends to 0.08 hectares. The building is constructed of red brick with a number of stone panels remaining on the ground floor of the west elevation. At the southern end of the building a pitched slate roof is lined internally with wooden boarding. To the northern section the roof covering has been removed and is covered by tarpaulin. The building is located within the conservation area area and attached to the rear of the stone built dwelling at no. 29 High Street.

Proposed Development

The application seeks permission for the conversion of the factory building to provide 3 no. flats.

Any Constraints Affecting The Site

Conservation Area

4.0 Consultation and Customer Impact

Burton Latimer Town Council

No objection and have recommended conditions.

Highway Authority

No objection to the amended plans.

Archaeology

No objection and have recommended a standard recording condition.

Environmental Health

No objection subject to conditions in relation to contaminated land, working hours, acoustic insulation and refuse.

Neighbours

Two objections from the residents of 2 and 4 Meeting Lane on the following grounds:

- Overlooking from the 1st floor. The use of some obscured glazing is noted but this will be ineffective when the windows are opened.

- Noise created from cars parking.
- Debris caused from construction works.

Minor revisions have been made to the plans reflecting comments made during the application process. Consultation is being undertaken on the amended plans and any further comments will be provided within the committee update.

5.0 Planning Policy

National Planning Policy Framework:

Policy 6 – Delivering a Wide Choice of Quality Homes

Policy 7 – Requiring Good Design

Policy 12 – Conserving and Enhancing the Historic Environment

Local:

Saved Local Plan:

Policy 35 – Housing: Within Towns

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 11 – Distribution of Jobs

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

Supplementary Planning Guidance:

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issue for consideration in this application is:-

1. Principle of Development
2. Impact on Character, Appearance and the Conservation Area
3. Impact on Neighbouring Amenity
4. Parking and Highway Safety
5. Noise
6. Contaminated Land
7. Archaeology
8. Biodiversity
9. Sustainable Construction and Design

1. Principle of Development

The application site is located within the town boundary of Burton Latimer as defined by Policy 35 of the Local Plan. Paragraph 49 of Policy 6 of the National Planning

Policy Framework (NPPF) states that applications for housing should be considered in the context of the presumption in favour of sustainable development. Policy 1 of the North Northamptonshire Core Spatial Strategy (CSS) directs development towards the existing urban core and identifies Burton Latimer as a 'smaller town' which is a secondary focal point for development after Kettering due to its relatively good level of services and public transport. This is supported by Policy 10 of the CSS.

Policy 9 of the CSS states that priority will be given to the reuse of suitable previously developed land and buildings within urban areas. Paragraph 51 of the NPPF states that Local Planning Authorities should normally approve planning applications for change of use of commercial buildings to residential use where there is an identified need for additional housing in the area and provided there are no strong economic reasons why such development would be inappropriate. The principle of creating residential accommodation from the conversion of the disused factory is acceptable subject to the detailed planning considerations set out below.

2. Impact on Character, Appearance and the Conservation Area

Policy 7 of the NPPF requires good design while 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 application site is located within the Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

The application site comprises a two storey brick and stone built factory which is currently vacant and in a state of some disrepair. There are two ranges to the main building, one to the east and one to the north. The northern range is attached to the stone built dwelling at No. 29 High Street and extends over the garage of that property. The building is located in the High Street Character Area as defined in the Burton Latimer Conservation Area Appraisal (2009) which notes that the removal of historic buildings along the High Street will erode its character.

The existing building will be converted through this proposal to provide 3 no. residential units and associated parking. This will include a first storey extension to the east of the existing factory and the creation of an undercroft to the south that will enable vehicular parking to the rear of the factory. Key features of the existing factory including the first floor projecting access feature will be retained through the conversion and the majority of the existing fenestration on the north, west and south elevation will be retained. The rear extension will be hidden from public views and will pose no detriment to the wider Conservation Area. Its window proportions are consistent with the existing building and subject to the use of high quality materials, which can be secured through condition, will be sympathetic to the host building and its Conservation Area setting.

Although the building is set back from the High Street it is nevertheless visible in the street scene. The building is in a state of some disrepair and the proposal to convert the building to residential use will ensure its long term continued use to the benefit of the surrounding Conservation Area. The alterations to the building are in keeping with the character of the building and conditions will secure appropriate materials,

including samples, ensuring that the scheme preserves and enhances the Conservation Area.

Overall the scheme will comply with Policy 7 of the NPPF, Policy 13 (h) of the CSS and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Impact on Neighbouring Amenity

Paragraph 17 of the NPPF requires development to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 13 (l) of the CSS requires development not to result in an unacceptable impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The internal layout and fenestration will be reconfigured together with the first floor rear extension to provide 3 no. flats. The confines of the site and its relationship to surrounding residential properties results in a number of the first floor windows being obscured glazed to maintain appropriate levels of amenity for future occupiers of the flats and surrounding properties. Objections have been made by two properties to the east on Meeting Lane regarding overlooking and the potential for future residents to alter windows and replace obscure glazing. Windows at first floor on the north elevation would directly overlook the amenity space of No. 29 High Street and a condition requiring the windows to be obscured, non-opening below 1.7 metres above floor level and retained in that form thereafter will protect neighbouring amenity.

Windows at the first floor look east towards the dwellings at Nos. 2 -10 Meeting Lane which are set down from the application site. The back to back distance of 21.5 metres and obscuring of the three northern most first floor windows adjacent to the boundary with nos. 2 and 4 Meeting Lane will prevent any overlooking and cause no unacceptable detriment to neighbouring amenity. Two windows serving a bedroom will remain unobscured and capable of opening but given the distance are acceptable in this instance. To the rear of 8 Meeting Lane two obscure windows serving the kitchen and WC of the central flat respect neighbouring privacy and maintain appropriate amenity for all. The detached property at no 10 Meeting Lane is set 13.5 metres from the eastern boundary of the site. The first floor extension in this location is set a minimum of 17.7 metres from 10 Meeting Lane and presents an obscure bathroom window in this location. A north facing window in the extension provides light to bedroom 2 and sits at a right angle to the neighbouring properties. Limited views would be afforded across the rearmost portions of neighbouring gardens but this relationship is common within established urban areas and would not cause unacceptable detriment to the amenities of neighbouring properties. Two windows in the south elevation of the extension provide light to the bedroom 1 and only provide views to the rear of the neighbouring John Yeomans Hall on Meeting Lane. One window is proposed in the southern elevation at first floor providing secondary light to the lounge at first floor. This window is set in close proximity to the boundary with 37 High Street but would only provide obtuse views into the rearmost element of the neighbouring garden.

Converting the building through reconfiguring the layout and obscuring a number of windows will ensure that neighbouring amenity is maintained. In this instance the

internal layout and open plan floor plans will maintain acceptable amenity for future occupiers of the flats and reasonable outlook. The submitted plans include dedicated refuse storage areas, cycle storage and amenity space for the use of future residents. Subject to conditions the scheme would comply with Paragraph 17 of the NPPF and Policy 13 (l) of the CSS.

4. Parking and Highway Safety

Policy 13 (d) of the CSS requires development to have a satisfactory means of access and to provide for parking, servicing and manoeuvring in accordance with adopted standard. Policy 13 (n) requires development not to have an adverse impact on the highway network and not to prejudice highway safety.

The application site is located off a shared private driveway which also serves No. 29 and the rear of No. 31 and 31b High Street. Amended plans have been submitted through the course of the application which provide wide parking spaces which enable more room for vehicle manoeuvring within the site and appropriate visibility at the junction with High Street. The parking spaces are set to the east of the site and whilst concerns have been raised by objectors about potential noise impacts, it is considered that the limited scale of parking proposed would not generated unacceptable noise to warrant a reason for refusal.

The Highway Authority has raised no objection to the proposal and it is considered that the proposal will not adversely impact on the highway network or prejudice highway and therefore complies with Policy 13 (n) of the CSS.

5. Noise

The Council's Environmental Health Department has been consulted on the proposal and advises that in the event planning permission is granted a condition should be applied requiring an acoustic insulation scheme which achieves the noise levels outlined in BS8233:2014 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

6. Contaminated Land

A Phase 1 Geoenvironmental desk study and asbestos survey have been produced for the site. These 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. Environmental Health has been consulted and has no objection to the application subject to conditions. The desk study identifies that potential contaminant may exist within the soils and groundwater at the site. As such Environmental Health has recommended that a contaminated land condition should be imposed, should consent be given.

7. Archaeology

Paragraph 141 of Policy 12 of the NPPF states Local Planning Authorities requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance. The building is thought to have been the premises of one of the three clothing manufactures dating from at least the 1880s. The significance of the building lies in its spatial and functional relationship to the surrounding buildings, in particular to No. 29, its role in the wider community and the history of its use as well as its historic fabric. Although

evidence for the development and use of the building will be altered or removed during conversion of the building to residential use NCC Archaeology advises that this does not present an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that area affected in line with Paragraph 141 of the NPPF. A condition could therefore be applied requiring an archaeological programme of works to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

8. Biodiversity

The applicant has submitted a Protected Species Survey in support of the application. No evidence of bats was found in the factory and the report considers the building to be generally of low potential to support roosting bats due to its current condition.

9. Sustainable Construction and Design

Policy 14 (b) of the North Northamptonshire Core Spatial Strategy 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 application seeks to retain and convert the existing building and is supported with a sustainability statement and SPD checklist. Subject to a condition which secures accordance with the submitted details the scheme will accord with policy 14 (b)

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 application is 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: