

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/05/2016	Item No: 5.1
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2015/0895
Wards Affected	St. Michaels and Wicksteed	
Location	(Former) Stockburn Memorial Clinic, Southlands, Kettering	
Proposal	Full Application: Demolition of disused clinic. Erection of 6 no. dwellings with associated access and garaging	
Applicant	Craneview Ltd & NHS Property Services 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. 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. Prior to first occupation of the development a scheme of soft landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the development unless these works are carried out earlier. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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.

4. The trees to be retained on site shall be protected in accordance with the details set out in the Arboricultural Survey and Impact Assessment received by the Local Planning Authority on 4th November 2015.

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

5. 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.

6. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by 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 visual amenity of the development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy

7. 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.

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.

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).

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

8. No development or demolition shall take place until a nocturnal emergence and dawn re-entry survey for bats and details of any required mitigation measures, together with timing of the implementation of any measures identified, 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 details.

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

9. The development shall not be carried out other than in accordance with the Sustainability Appraisal and Energy Statement set out within the submitted Design and Access Statement received by the Local Planning Authority on 4th November 2015.

REASON: In the interests of energy efficiency and sustainable construction in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0895

This application is reported for Committee decision because there are unresolved, material objections to the proposal. It was withdrawn from the agenda of 21 April 2016 to allow the applicant to undertake amendments and for the Local Planning Authority to reconsult.

3.0 Information

Relevant Planning History

KET/2014/0823 Change of use from clinic to single dwelling. Approved 22/01/2015.

Site Description

The application site comprises of a two storey red brick building with a pitched slate roof that is located to the south of Kettering town centre in an established residential area. It is located at the western end of Southlands, a private road off London Road which serves 12 dwellings and the application site.

The site which measures approximately 0.3 hectares includes the substantial main building which sits centrally within the site and was constructed as a nurses home. More recently the site has been utilised as a clinic (C2 use) by the NHS. To the south and west of the property there is a large area of hardstanding providing car parking for numerous vehicles whilst to the north and east the grounds are laid to lawn. The boundaries of the site comprise of a mix of fencing, brick walls and established vegetation.

Proposed Development

The application seeks planning permission for the demolition of the dis-used clinic and the erection of 6 no. dwellings.

Any Constraints Affecting The Site

None

4.0 Consultation and Customer Impact

Environmental Health

No objection and have recommended a condition regarding contaminated land

Environmental Care

Have confirmed in discussions with the Highway Authority that they currently access Southlands to collect bins and turn the refuse vehicle within this site. If a turning head could be incorporated into the site it would solve the problem and the Council could continue to collect the bins for the current and new residents.

Neighbours

2 letters of support stating that the scheme will improve the area and is an attractive use of the site.

12 objections from third parties highlighting the following points:

- Southlands is a private road with a number of vehicles parked throughout the day.
- Invasion of privacy and overlooking.
- Detrimental effect on amount of sunlight and overshadowing
- Visual appearance does not match adjacent bungalows.
- Traffic generation, highway safety and parking issues.
- Noise, disturbance and loss of amenities.
- Effect on existing trees.
- Adequacy of landscaping.
- Concerns about maintenance and utility work that would be needed within the private road.
- Property 3 is too close to the boundary with neighbouring dwellings and proposed garages would be overbearing.
- Concerns regarding construction works and traffic

Highway Authority

Original Plans

Objected to the application as originally submitted due to concerns about access for fire tender and emergency services and the turning head not being to an acceptable standard.

Revised plans

No objection. In this particular instance and with the extant planning usage class on the site, they conclude that the proposed changes will reduce the traffic on the shared private drive that is Southlands. This also affects the limitations that we normally place upon numbers of dwellings served from a shared private drive.

The applicant has now submitted plans showing the tracking for a three axle refuse truck and a fire tender. There are some instances where body overhang occurs which is acceptable in this instance as this is not adoptable land and footways and does not endanger any structures. The three axle refuse truck is acceptable in this instance as Southlands cannot accept the 4 axle vehicle and is currently served under a particular agreement. The refuse team comment that they already access Southlands to collect waste and would continue to do so.

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17 inc. 12 Core Planning Principles

Policy 1 Building a strong competitive economy

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 1 (Strengthening the network of settlements)
Policy 5 (Green Infrastructure)
Policy 6 (Infrastructure delivery and developer contributions)
Policy 9 (Distribution & location of development)
Policy 10 (Distribution of housing)
Policy 13 (General sustainable development principles)
Policy 14 (Energy efficiency and sustainable construction)
Policy 15 (Sustainable housing provision)

Local Plan

Policy 35 Housing: Within Towns

Supplementary Planning Guidance:

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. Design and Character
3. Impact upon Neighbours
4. Highways and Parking
5. Sustainable Construction and Design
6. Ecology

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 residential development in this location is therefore established.

2. Design and 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 erection of 6 no. two storey detached dwellings within the site set around a hammerhead shared access which provides turning space for vehicles. The large detached properties are uncluttered in their appearance and incorporate bay windows together with head and cill detailing to add visual interest to the primary elevations. Four of the six plots benefit from detached garages which are in keeping with the dwellings proposed and overall the scheme presents a quality of design which is befitting of its location.

The 6 dwellings would be built at a density of 20 dwellings per hectare which is considered acceptable in this instance; making efficient use of the land whilst achieving adequate spacing between plots and providing sufficient space for safe vehicle manoeuvring as discussed below. Subject to conditions which secure appropriate materials the proposal will be in keeping with surrounding built form. All properties benefit from private gardens with rear access to enable appropriate bin storage within each plot. The dwellings would be set adjacent to a number of neighbouring properties some of whom have raised concerns about boundary treatments. Appropriate boundary treatments can be secured through conditions together with details of the hard and soft landscaping proposed.

The existing memorial clinic has been heavily modified over time to cater for the needs of its previous users. Unsympathetic alterations to the building including the extension to the west detract from the overall quality of the building and as such the demolition of the building to enable redevelopment of this site is justified in this instance.

An arboricultural survey has been submitted with the application which details and justifies the small number of fruit and lime trees that will need to be removed to facilitate development. A condition to secure appropriate tree protection measures will be imposed.

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.

3. Impact upon neighbours

Policy 13 (l) states that development should not result in an unacceptable impact on the amenity of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. The proposal is not considered likely to have an unacceptable impact on terms of noise, vibration, smell, light or other pollution.

Objections have been received from neighbours regarding the proposed dwellings and the potential to overlook, overshadow or have an overbearing impact.

To the north and east of the site adjacent properties comprise of bungalows located at St Pauls Court and Southlands. Plot 5 has been orientated so that it sits side onto no. 4 St Pauls Court with no window openings on its eastern side. Accordingly no detriment will be caused to neighbours to the east through this element.

To the west of the site objections have been made about plots 1, 2 and 3 and their relationship to properties on The Drive to the west. The semi-detached dwellings at nos. 13 and 15 The Drive have rear habitable rooms at first floor facing the site set approximately 6.5 metres from the boundary. Plot 3 is set a further 4m beyond the boundary and slightly offset. The eaves height of plot 3 closest to nos. 13 and 15 The Drive is 5m and taken together with the overall separation distance of 10.5m, severely limits any overbearing or overshadowing that would result. This would not be to an unacceptable level which would warrant a reason for refusal.

The garages of plots 2 and 3 sit close to the boundary with nos. 15 and 17 The Drive which feature brick built outbuildings to the east of their plots. The garages have 2.4m eaves and a 4m ridge which runs north to south. The height and position of the garages adjacent to the neighbouring outbuildings means that there would be very limited overshadowing of the rearmost portions of neighbouring gardens in the early morning in summer months. This would not result in unacceptable detriment to the amenities of neighbouring properties.

Rear gardens across the scheme range from 7.1m to 9.4m in depth. The houses are between 11m and 13m in width and have been reduced in size during the course of the application. The properties provide a minimum of 100m² of rear gardens which is considered appropriate provision of private amenity space for each plot in this instance. Overall the scheme maintains appropriate separation distances with neighbours.

In summary the proposal will not cause unacceptable detriment to neighbouring amenity and therefore the application accords with policy 13 (l) of the CSS.

4. Highways and Parking

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 in accordance with adopted standards and not have an adverse impact on the highway network or prejudice highway safety.

Southlands is a private drive and a number of objections have been received regarding traffic, turning space and highway safety.

The Highway Authority objected to the original scheme due to concerns about access to the site for fire tender and emergency services and the turning head not being to an acceptable standard. The applicant has subsequently submitted revised plans, including tracking plans, for the site which provide turning space for a fire tender and refuse vehicle within the site and these plans are being reconsulted on at present. The Highway Authority have had sight of these plans and have confirmed in writing that they have no objection to the revised drawing which provides adequate turning facilities. They have also confirmed that the proposed use would represent a reduction in traffic from that which could presently be generated from the lawful use of the site as a clinic.

The Council's Environmental Care team have also confirmed in liaison with Highways, that whilst Southlands is a private road refuse vehicles are currently taken down the road to collect bins and then turned within this site. They have confirmed that should an appropriate turning head be provided, as demonstrated in the updated plans, they could continue to empty bins from Southlands and the new dwellings in the future.

Land ownership and any rights which are conveyed on this site, or surrounding properties, are civil matters which fall outside of the remit of planning. Comments have also been made about the gated pathway which runs from the site through to Broadway. Again this path falls within the ownership of the site and has been included within the red line by the applicant. No public right of way exists over this pathway and therefore the path will remain as an alternative pedestrian access for the future occupiers of this site.

The redevelopment of the site for residential use has been demonstrated to reduce the vehicle movements and number of trips that are generated from the site in comparison to the established use. Such a reduction in movements will have a positive impact on surrounding residents and in particular the other properties for whom Southlands is there only means of access.

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 proposal is considered acceptable in this town centre location and as such the proposal is considered to accord with criteria d and n of policy 13 of the North Northamptonshire Core Spatial Strategy.

5. 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 details which demonstrate how the requirements of the CSS and accompanying SPD would be met by the development and therefore it is considered that the proposal accords with Policy 14(b) of the CSS.

6. Ecology

Policy 13 (o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance biodiversity and the NPPF states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Significant harm from development should be avoided, mitigated or compensated.

A preliminary ecological assessment and bat survey accompany the application. The report identifies that the building has evidence of historical bat activity and recommends that further work in the form of nocturnal emergence and dawn re-entry surveys is required to determine the status of the roost. A condition is recommended to ensure that there is no development or demolition until the additional survey and details of any required mitigation measures and timing of implementation of these measures has been submitted to and approved by the Local Planning Authority. This is consistent with the overall recommendations detailed within the ecological assessment and bat survey. Subject to the recommended conditions, the application is considered to satisfy NPPF policy 11 and CSS policy 13.

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:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Richard Marlow, Senior Development Officer on 01536 534316

..