

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 13/12/2016</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Pritesh Shah Senior Development Officer</b>	<b>Application No: KET/2016/0740</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>163 Beatrice Road, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Demolish existing bungalow and double garage. Erection of 7 no. one bedroom flats and 1 no. two bedroom flat</b>	
<b>Applicant</b>	<b>. . . R.S. Assets Ltd &amp; S. Wilkinson</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. The development shall not be carried out otherwise than in complete accordance with the approved plans listed in the approved plans table unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

REASON: To clarify the permission and for the avoidance of doubt.

3. 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:** Contaminated land investigation is required prior to the commencement of development 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 Policy 6 of the North Northamptonshire Joint Core Strategy.

4. No development shall take place until a programme of archaeological work, in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

**REASON:** These details are required prior to the commencement of development, to ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 12, Paragraph 141 of the NPPF.

5. Prior to first use or occupation of the development hereby permitted, vehicular visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access by a distance of 43m measured from the centre of the vehicular access along the carriageway edge. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above carriageway level.

**REASON:** In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level.

REASON: In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

7. The vehicular access gradient from the Highway Boundary shall not exceed 1 in 15 for the first 5m from the highway boundary.

REASON: In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from the vehicular access does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be maintained as approved at all times thereafter.

REASON: In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy to first use and thereafter be maintained

9. Prior to commencement of the development hereby permitted, details of the hard bound surfacing of the vehicular access shall be submitted to and shall be approved in writing by the local planning authority. The access shall thereafter be completed in accordance with the approved details prior to the first use of the access and maintained as such at all times thereafter.

REASON: In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

10. Prior to the commencement of the development hereby permitted, details of measures to ensure that mud and other such loose material do not migrate onto the highway shall be submitted to and shall be approved in writing by the local planning authority. Such measures as may be approved shall thereafter be implemented and maintained for the duration of the construction period.

REASON: In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

11. Prior to the commencement of development details of the materials, including colour and manufacturers, to be used in the external elevations (windows, doors, render, brick and roof tiles) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the development is constructed and finished in materials which are in harmony with materials used in the locality and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. The windows on the east elevation roofscape (as depicted on approved plan 2016/44/132B) shall be non-opening and glazed with obscured glass 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 8 of the North Northamptonshire Joint Core Strategy.

13. The development hereby permitted shall be carried out in accordance with the recommendations set out in section 5 of the Bat Survey Report by Conservation Construction (ref: P16/10/352).

REASON : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

14. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building, 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 8 of the North Northamptonshire Joint Core Strategy.

15. No development shall take place, including any works of demolition, until a Construction

Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction and demolition
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To protect the amenities of nearby residents and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. No construction work including site clearance and delivery of materials shall be carried

out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

REASON: To protect the amenities of nearby residents and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2016/0740**

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

### **3.0 Information**

#### **Relevant Planning History**

- KET/2012/0607 – Dwelling and vehicle access to existing dwelling. Withdrawn.
- KET/2016/0488 – Demolition of bungalow and garage and erection of 2no. 2.5 storey blocks with 7no. 2 bedroom flats and 4no. 1 bedroom flats. Withdrawn.

#### **Site Description**

Officer's site inspection was carried out on 26 October 2016.

The application site comprises an existing bungalow constructed of buff brick with a projecting front gable. There is a small brick boundary wall fronting Beatrice Road with planting to the front of the dwelling. To the western side of the dwelling is a double garage whilst the rear garden of the dwelling is large with dense vegetation at the boundaries. Large gardens are a characteristic of many other dwellings in the locality.

Surrounding the application site is existing residential development which is predominately 2 storey in scale. There is also a mix of building styles and materials within the surrounding dwellings including brick and render as well as hipped and pitched roofs. Further to the east of the application site at the junction of Beatrice Road and Hallwood Road is a builder's yard whilst to the west of the application along Beatrice Road is Orchard School site which has recently been granted permission for residential development.

#### **Proposed Development**

The proposal seeks the demolition of the existing bungalow and construction of 8no. 1 bedroom flats. The flats will be constructed from 2 buildings with a central link measuring 8.7m in height. Elevations will be rendered with a concrete tile roof. To the rear of the flats within the garden curtilage of the existing bungalow is proposed 8no. parking spaces and a separate building for a bin-store and cycle-store which is 4.5m in height.

#### **Any Constraints Affecting the Site**

Within town confines

### **4.0 Consultation and Customer Impact**

**KBC Environmental Health:** No objection subject to a condition for development on land affected by contamination and an informative for acoustic separation and radon.

**NCC Highways:** No objections subject to a condition for vehicle visibility splays; access gradient; drainage; access surfacing; construction and licencing and control of deleterious material on the highway.

**NCC Archaeology:** No objections subject to a condition for an archaeological programme of works.

### **Neighbours**

**98 Beatrice Road:** Object due to concerns of overshadowing and overlooking resulting in a loss of residential amenity and design which is not considered to be in-keeping with the character of the area.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

- Section 6 'Delivering a wide choice of high quality homes', especially paragraph 50.
- Section 7 'Requiring good design'.
- Section 12 'Conserving and enhancing the historic environment'.

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

- Policy 4 'Biodiversity and Geodiversity'
- Policy 6 'Development on Brownfield Land and Land Affected by Contamination'
- Policy 8 'North Northamptonshire Place Shaping Principles'
- Policy 9 'Sustainable Buildings and Allowable Solutions'
- Policy 11 'The Network of Urban and Rural Areas'
- Policy 29 'Distribution of New Homes'
- Policy 30 'Housing Mix and Tenure'

#### **Local Plan**

- Saved Policy 35 – Housing within towns

## **6.0 Financial/Resource Implications**

None

## 7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on character and scale of surrounding area
3. Residential amenity
4. Sustainability
5. Highways and parking
6. Archaeology
7. Ecology

### 1. Principle of development

Policy 6 of the JCs states:

*In allocating land for development and determining planning applications the local planning authorities will seek to maximise the delivery of development though the reuse of suitable previously developed land and buildings within the urban areas...*

The application site is located within the confines of Kettering and represents a previously developed site. The scheme would strengthen the network of settlements within the Borough in compliance Policy 11 of the JCS. There is therefore the potential for development schemes to be looked upon favourably subject to there being no adverse impact on highway safety; residential amenity; design; highways and ecology.

### 2. Impact on character and scale of surrounding area

Policy 8 (d) of the JCS states development should create a distinctive local character by:

*Responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation*

Bullet point 4 of paragraph 58 of the NPPF states planning decisions should aim to:

*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*

Paragraph 60 of the NPPF also goes on to say:

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*



Existing dwellings in the locality are generally 2 storey in scale and have some underlying characteristics which include construction of brick or render and the use of bay windows. Adjacent dwellings also have boundary walls to Beatrice Road.

The proposed design shows two rendered buildings with a slightly recessed central entrance link connecting the two. Architectural features include bay and dormer windows to the principal elevation, upvc windows and doors and a concrete tile roof. Fronting Beatrice Road a small brick wall with concrete coping is proposed. In terms of the design the proposed building is considered to be in-keeping with adjacent buildings.

In terms of the scale of the building, the proposed building will have the same ridge height as 159 Beatrice Road. In the streetscene the proposed development will not be overly dominant and is in-keeping with the scale of surrounding development. The proposal is therefore compliant with Policy 8 (d) of the JCS and the NPPF especially paragraph 58 and 60.

To the rear of the application site along the boundary with 169 Beatrice Road is proposed a separate building which is to be used as a bin store and cycle shed. The structure had been reduced in height and moved further from the boundary than what was originally proposed. The proposed bin store and cycle shed is 2m to the eaves and 4m in height to the ridge with a depth of 4m and a width of 7.5m. As the proposed bin store and cycle shed won't be seen from the public domain and will be seen as a small outbuilding constructed in a complementary palette of materials compared to the host building, it is not considered to adversely impact on the character and scale of the surrounding area.

### 3. Residential amenity

Policy 8 (e) of the JCS seeks to ensure a quality of life and safer and healthier communities by:

*Protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.*

There is a separation distance of 39m from the rear elevation of the proposed building to the rear elevation of the dwellings to the rear fronting Kingsley Avenue. Due to the separation distances involved the proposal is not considered to cause any undue overlooking and loss of amenity to those dwellings fronting Kingsley Avenue.

To the east of the application site is 169 Beatrice Road. The proposed development extends 9m beyond the rear elevation of 169 Beatrice Road and is constructed close to the boundary to this dwelling. Although the proposal seeks a large building at the boundary of 169 Beatrice Road, the applicant has mitigated any impact on residential amenity to the neighbour by hipping the roof which results in the creation of a separation distance of 4m from the first floor window of 169 Beatrice Road. The hipped roof design is not considered

to cause any overshadowing to 169 Beatrice Road and will not adversely impact on neighbouring residential amenity.

There are also 2 rooflights serving flat 7 located on the eastern roofscape. The applicant has shown these rooflights to be obscurely glazed which will not cause any overlooking to the private residential amenity space of 169 Beatrice Road. A condition to ensure the rooflights installed above 1.7m from the floor level of flat 7 is also considered appropriate to further mitigate against any loss of residential amenity to 169 Beatrice Road.

As mentioned above there is a bin store and cycle shed located at the boundary of the application site and 169 Beatrice Road. Through negotiation with the applicant, the structure has been reduced in floor area and height and as a result has moved further from the boundary of 169 Beatrice Road. The bin store and cycle shed is located 2m from the boundary of 169 Beatrice Road and due to its scale and positioning within the application site it is not considered to adversely impact on the residential amenity of neighbouring 169 Beatrice Road and is considered to be fit for purpose to serve the future occupiers of the development.

To the west of the application site is 159 Beatrice Road. The two storey element of the proposed building is in-line with the two storey part of 159 Beatrice Road. Due to this arrangement the proposed building is not considered to dissect any 45 degree splay from the first floor window of 159 Beatrice Road and will therefore not cause any overshadowing or loss of natural light.

To the south is a row of detached and semi-detached dwellings also fronting Beatrice Road. An objection has been received from a neighbour living opposite the application site who considered that the proposed development will adversely impact on their residential amenity by way of overlooking. Given the separation distance between the two sides of the road and the scale of the proposed development, it is not considered that the proposed development will adversely impact on the residential amenity of occupiers to the south of the application site.

In order to safeguard the residential amenity of future occupiers of the proposed flats, Policy 30 (b) of the JCS states:

*The internal floor area of new dwellings must meet the National Space Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities. In both affordable and market sectors, adaptable housing designs will be encouraged in order to provide flexible internal layouts and to allow for cost-effective alterations (including extensions) as demands and lifestyles change.*

Taking into account the National Space Standards all of the proposed flats apart from Flat 3 comply with the relevant space sizes set out within this document. For a single storey 1 bedroom dwelling for 2 people as shown by Flat 3, the National Space Standards require a minimum dwelling size of

50sqm whereas the actual size of the dwelling is 48.19sqm. Given that Flat 3 is only marginally below the space standard requirements and all other dwellings exceed the space standards, the proposed development is considered to provide an adequate standard of residential amenity for future occupiers.

#### 4. Sustainability

Policy 30 (c) of the JCS states:

*New dwellings must meet Category 2 of the proposed National Accessibility Standards as a minimum and the local planning authority will negotiate for a proportion of Category 3 (wheel-chair accessible) housing based on evidence of local needs.*

Category 2 of the National Accessibility Standards equates to part M4(2) of the Building Regulations. A key aim of part M4(2) requires a step free access to be provided to dwellings. The applicant has provided this by having a lift access to all dwellings. Furthermore the proposed internal layouts do show that the proposed dwellings can be adapted for wheelchair use.

Policy 9 of the JCS states:

*Development should incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day or alternative national standard applying to areas of water stress... The layout and design of sites, buildings and associated landscaping should:*

- a) maximise the use of passive solar design to address heating and cooling; and*
- b) where technically feasible, enable access to or provision of decentralised energy networks, or safeguard future opportunities to do so without major disruption.*

Within the submitted Sustainable design and Energy Statement the applicant has demonstrated how the proposal will lead a sustainable form of development. The applicant will introduce low water usage showers and w/c flushing systems as well as water efficient taps to the bathrooms and kitchens. The applicant will also introduce motion sensor lighting to the communal areas. It is therefore considered that the applicant has incorporated measures to reduce carbon emissions and ensure a high standard of energy efficiency in compliance with Policy 9 of the JCS.

#### 5. Highways and parking

Policy 8 (b) of the JCS requires developments to create safe streets by:

*... Ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.*

The proposed development makes provision for 8 parking spaces and 1 mobility parking space. Parking spaces measure 2.5m in width and 5m in length whilst the mobility space measures 3.5m by 6m which is in-keeping with the standards set out by NCC Highways. There have been no objections raised by NCC Highways subject to a number of conditions which relate to visibility splays; access gradient; access surfacing and drainage and the control of material on the highway. The proposed development is considered to provide a satisfactory means of access with adequate junction pedestrian and highway visibility splays as well as providing an adequate level of parking. The proposal is not considered to lead to any highway safety issues and is in compliance with Policy 8 (b) of the JCS.

## 6. Archaeology

Paragraph 128 of the NPPF states:

*Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

The application site is comprised of previously developed land with no obvious signs of being of archaeological significance. NCC Archaeology has provided comment to the application and has raised no objections subject to a condition for an archaeological programme of works to be submitted.

## 7. Ecology

The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2010, the EU Habitats Directive and the Natural Environment and Rural Communities Act 2006 to take into account protected species when determining planning applications. Policy 4 of the JCS states that planning permission will not normally be granted for proposals that adversely affect a site's conservation value.

Taking into account Natural England's Standing Advice for bats, the application site has the potential to form a habitat for bats due to its large roof space which is facing north/ south. The applicant has submitted a bat survey report in support of the application which has concluded that there is no evidence of current or historic bat activity in the loft of the bungalow, on the outside of any of the buildings or in the garages in the garden.

## Conclusion

The proposed development is accepted in principle due to its location within the urban area. The design and scale of the building is not considered to adversely impact on the character and setting of the street scene or cause any adverse impacts on neighbouring residential amenity, ecology, archaeology or highways safety. As such the proposal is in compliance with Policy 2, 4, 6, 8,

9, 11, 29 and 30 of the JCS and the NPPF, especially section 6, 7 and 12.

**Background Papers**

Title of Document:

Date:

Contact Officer:

**Previous Reports/Minutes**

Ref:

Date:

Pritesh Shah, Senior Development Officer on 01536 534316