

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/05/2018	Item No: 5.5
Report Originator	Collette Panther Assistant Development Officer	Application No: KET/2018/0002
Wards Affected	Burton Latimer	
Location	29 High Street, Burton Latimer	
Proposal	s.73 Application: Variation of conditions 5 and 6 of KET/2015/0524 in respect of window glazing and openings	
Applicant	Mr P Chahall Aktiv Homes Limited	

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 be carried out in accordance with the materials approved as part of application AOC/0524/1501 on 05/05/2017 including Spanish Slate, reuse of facing bricks from demolished structures on site and Alitherm Heritage Aluminium Windows by Smart Systems Ltd.

REASON: In the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core 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 8 of the North Northamptonshire Joint Core 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 8 of the North Northamptonshire Joint Core Strategy.

5. The windows on the north west elevation shall be restricted to 20cm opening and glazed with obscured glass within 1.7 metres of the respective finished floor levels. The development shall be carried out in accordance with drawing numbers 16-056-2-01A and 16/056-3-21A received by the Local planning Authority on 03/01/2018 and 16-056-2A and 16-056-2-03 received by the Local planning Authority on 10/04/2018 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.

6. The windows at first floor level on the north east elevation (rear elevation) shall be obscured within 1.7 metres of the finished floor level and restricted to 20cm opening, in accordance with plan numbers 16-056-2-01A and 16/056-3-21A received by the Local planning Authority on 03/01/2018 and 16-056-2A and 16-056-2-03 received by the Local planning Authority on 10/04/2018 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.

7. The development shall not be carried out other than in accordance with the approved scheme for limiting the transmission of noise between individual units of accommodation shown on plan numbers 16-056-3-18 and 16-056-3-22, approved as part of application AOC/0524/1501 on 05/05/2017. The scheme shall be completed before any of the units of accommodation are occupied.

REASON: Measures to limit the transition of noise are necessary to protect the amenity of occupants of the proposed flats and adjacent residential properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The development shall not be carried out other than in accordance with the Level II Building Recording by Ian Soden Heritage Services Ltd, programme of archaeological work, approved as part of application AOC/0524/1501 on 05/05/2017.

REASON: In the interests of recording any items of archaeological interest in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. The development shall not be carried out other than in accordance with report reference 15.04.022 dated May 2015 By Listers Geotechnical, approved to discharge parts A to C of the condition and as part of application AOC/0524/1501 on 05/05/2017. Part D of the condition may be discharged in writing by the Local Planning Authority on receipt of confirmation that no unexpected contamination was found.

REASON: A contamination survey 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 8 of the North Northamptonshire Joint Core Strategy.

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 9 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0002

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

3.0 Information

Relevant Planning History

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

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

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

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

KET/2015/0524 - Full Application: Conversion of factory into 3 no. flats – Approved 19/11/2015

KET/2017/0030 – Non-Material Amendment: KET/2015/0524 (Conversion of factory into 3 no. flats) Removal of walkway – Approved 15/02/2017

Site Visit

Officer's site inspection was carried out on 08/02/2018 and 20/03/2018.

Site Description

The application site comprises a two storey former factory 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. The site is located within the Conservation Area.

Proposed Development

This application seeks removal/variation of condition nos. 5 and 6 (detailed below) of KET/2015/0524 to allow the following alterations to first floor windows on the north-west and north-east elevations:

- relax obscure glazing from full height to within 1.7 metres of the internal finished floor level of each respective window and
- allow opening to a distance of 0.2 metres, controlled by a fitted restrictor.

Condition 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.

Condition 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.

Any Constraints Affecting the Site

Conservation Area

Within the Nene Valley Nature Improvement Area

4.0 Consultation and Customer Impact

Parish/Town Council

No objection received 26/02/2018.

Cadent Gas

Request to be informed of the decision as there apparatus within the vicinity.

Environmental Health

No comment received 08/03/2018.

Neighbours

Objection received from nos. 4 and 8 Meeting Lane on 19/02/2018 and from no. 2 Meeting Lane on 26/02/2018 which raise the following:

- loss of privacy
- the former factory use of the building was conducive to its operation which had small obscure panes of glass and didn't negatively impact upon the former workers cottages in Meeting Lane
- creates an oppressive and overbearing environment
- the addition of 2 no. extensions to the building has resulted in the windows being located closer to neighbouring properties which has already impacted privacy.

Re-consultation for the revised scheme was sent to neighbouring properties on 10/04/2018 allowing 7 days to make further or additional comments. One response has been received from no. 2 Meeting Lane on 20/04/2018 requesting a copy of the proposed plans for viewing. No other responses have been received with respect to the proposed alterations.

5.0 Planning Policy

National Planning Policy Framework

Core Principles

Chapter 7: Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy 2016

Policy 1: Presumption in favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Saved Policies in the Local Plan for Kettering Borough

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. The principle of development
2. Design and impact on the character of the area
3. Impact on residential amenity

1. The principle of development

Policy 8 of the adopted NNJCS (July 2016) seeks a high standard of design which respects and enhances the character and visual appearance of the surrounding area and protects residential amenity by not resulting in *unacceptable impact caused by means of noise, vibration, smell, light or other pollution, loss of light or overlooking*. Paragraphs 56, 58 and 64 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development, and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

This application seeks planning permission to first floor window alterations to a former factory building which has been converted into 3 no. residential units. It is located within an established area of Burton Latimer and is located within the town boundary, as required by Policy 35 of the Local Plan.

Subject to detailed consideration being given to the impact of the proposed development on the character and appearance of the area and residential amenity, in conjunction with ensuring its compliance with National & Local policies, detailed above, the principle of residential development is considered to be acceptable.

2. Design and impact on the character of the area

Chapter 7 of the NPPF requires development to be of a good design, this is echoed by Policy 8(d)(i) of the JCS which requires new development to *respond to the site's immediate and wider context and local character*.

The proposed alterations, by virtue of their nature, are not considered to impact the character and appearance of the area and are therefore

considered acceptable in accordance with Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy in that the new development responds to the site's immediate and wider context and local character.

3. Impact on residential amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development *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.*

The originally submitted scheme, which sought clear glazed and fully openable windows, was considered unacceptable due to the adverse harm clear glazed and fully openable windows would cause to amenities of adjacent neighbours by means of loss of privacy. The applicant and agent were advised of this during the application process and submitted an amended scheme for the respective windows to be obscure glazed within 1.7 metres of the internal finished floor level and fitted with 0.2 metre opening restrictors. The amended scheme has been assessed and is considered to satisfactorily address the unacceptable loss of privacy to neighbouring properties resulting from unrestricted windows alongside balancing quality of life to the residents of the application units.

The proportions of the application property result in its height exceeding that of neighbouring cottages to the east on Meeting Lane which, combined with the height of the land on which it is set also being higher than Meeting Lane, results in the internal first floor levels of the application unit being located at a higher level than the first floor levels on the neighbouring cottages. Located to the north is private amenity space associated with 29 High Street, the attached neighbouring property, which is considered to continue to be adequately protected by the proposed glazing and opening alterations. As a result, having assessed the glazing height from inside the building, the angle for viewing neighbouring properties or land from these windows is oblique therefore, it is considered that the proposed alterations will adequately protect the privacy and amenities of neighbouring properties to the north and east.

Due to the compromise in restrictions to the windows proposed it is considered that the development accords with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon amenity to neighbouring properties.

Conclusion

As a result of the discussion above it is considered that the proposal accords with policies set out in the Development Plan and no other material planning considerations outweigh this therefore, the proposed development is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Collette Panther, Assistant Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: