

BOROUGH OF KETTERING

Committee	Full Planning Committee - 03/07/2018	Item No: 5.1
Report Originator	James Wilson Development Officer	Application No: KET/2018/0293
Wards Affected	All Saints	
Location	198 Havelock Street, Kettering	
Proposal	Full Application: Demolition of existing buildings and erection of 5 no. one bedroom bungalows with modified vehicle access	
Applicant	Mr S Elliott D N Spencer & Son 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. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. 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: 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 8 of the North Northamptonshire Joint Core Strategy.

4. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by

the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

5. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to the first use of development the vehicular access into the site shall be laid out in accordance with approved plan 8332112A to include a 2m x 2m visibility splay to its eastern side and 2m yellow hatched area adjacent to the shared drive, (to be kept free of all storage items at all times) and shall be retained, as approved, at all times thereafter.

REASON: To provide satisfactory access in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No development shall commence on site until details of the materials and plants to be used for hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and soft landscaping shall be replaced/retained for a period of five years.

REASON: Details of materials are necessary prior to the commencement of development in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Any gates provided shall be set back a distance of 5.5 metres from the edge of the vehicular carriageway of the adjoining highway and shall be hung so as to open inwards into the site only.

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

9. 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 [or private land] does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.

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

10. 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 building, structure or other

alteration permitted by Class A to E of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

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.

Officers Report for KET/2018/0293

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

3.0 Information

Relevant Planning History

KET/2015/0940 Demolition of existing commercial building and erection of 9 no. one bedroom apartments (Refused)

KET/2014/00530 - The proposal is a full application for the demolition of existing buildings and the construction of 10 residential units (Withdrawn)

KET/1988/0008 – Change of use to Builders Yard (Refused)

KET/1988/0243 – Change of use to Builders Yard (Approved)

KET/1990/0886 – Change of use to sign-writing studio/office (Approved)

Site Visit

Officer's site inspection was carried out on 03.05.2018

Site Description

The application site is located in an established residential area to the north of Kettering.

The application site is a brownfield area, covering 0.085ha of land with existing 1 and 2 storey commercial buildings, which was previously used as a building contractor's yard. The site sits behind the terraced houses of 188-204 Havelock Street with an entrance to the site between no. 196 and 200. The area is predominantly two-storey red brick Victorian/Edwardian dwellinghouses. The site also backs onto the rear gardens and a row of brick outbuildings of terraced properties on Regent Street to the south. To the East of the site is a 2 storey block of residential flats with an extended parking area.

Proposed Development

The proposal is for the demolition of the existing commercial buildings and the construction of 5 No. 1 bedroom single storey dwellings suitable for single or elderly occupiers. The dwellings are arranged in a courtyard style with 3 being detached and 2 semi-detached. Each dwelling has a small patio court and private amenity area with bin storage. A bin collection area is located to the front of the site along the shared drive of 4.5m width adjacent to the western elevation of 196 Havelock Street. The proposals provide for 1 car parking space per dwelling and 1 visitor space providing 6 in total.

Any Constraints Affecting the Site

Groundwater risk Area – to south of the site.

4.0 Consultation and Customer Impact

Parish/Town Council

Highway Authority: Objects due to visibility splays and protection of utility infrastructure. The site will see usage by different households rather than one company which is likely to increase non-cooperation and conflict. The access entrance to the site is 7.4m, Havelock Street is one-way for vehicular traffic and the footpath is narrow compared to modern standards. The full pedestrian visibility splays cannot be attained, a highway boundary width of 8.5m would be required to achieve this. Pedestrian traffic will be two-way and therefore the diminished pedestrian visibility is not acceptable to the LHA.

Other Local Authorities/NCC

Environmental Health: No objection subject to condition on contaminated land and the control of working hours for construction.

Neighbours: 1 representation received, summarised below.

- Proposals improved from those previously submitted however main concern is parking. Havelock Street is a terraced street with most housing having at least 1 car. These houses have 2-3 bedrooms and could have 3 to 4 cars per house. The current commercial use has no impact on parking in the street during evenings and weekends.

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17 - Core Principles

Policy 6 – Delivering a Wide Choice of Quality Homes

Policy 7 – Requiring Good Design

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1 - Presumption in favour of sustainable development

Policy 6 - Development on Brownfield Land and Land affected by contamination

Policy 8 - North Northamptonshire place shaping principles

Policy 9 - Sustainable Buildings

Policy 11 - The network of urban and rural areas

Policy 22 - Delivering Economic Prosperity

Policy 28 - Housing Requirements

Policy 29 - Distribution of new homes

Policy 30 - Housing Mix and Tenure

Saved Policies in the Local Plan for Kettering Borough

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. Design and local character
3. Residential Amenity
4. Parking and Highways Safety
5. Contaminated Land
6. Bin Collection
7. Sustainability
8. Other Matters - Removal of PD Rights

1. Principle of development

The application site is within the designated town boundary of Kettering and an established residential area. The principle of proposing residential properties within the town confines is consistent with saved Policy 35 of the Kettering Borough Local Plan, Policy 11 and 29 of the North Northamptonshire Joint Core Strategy (NNJCS) and the NPPF that seek to focus development in existing urban areas in the interest of sustainability and to safeguard rural areas.

The site would be considered brownfield land of which both the NPPF and the NNJCS require development to be focussed toward. Considering the existing/former uses of the site as a builder's workshop and yard, there is certainly the prospect of a change of use to residential resolving existing conflicts with land uses.

As such it is considered that the principle of development is likely to be acceptable subject to satisfaction of other policies within the development plan documents.

2. Design and local character

In terms of character and appearance of the proposal, Policy 7 of the NPPF and Policy 8 d) and e) of the JCS require new development to be of a high standard of design, architecture and landscaping, respect and enhance the character of its surroundings and be in accordance with the environmental character of the area.

The proposed scheme comprises 5 bungalows arranged around a parking court. Bungalows 1, 4 and 5 are detached and 2 and 3 are semi-detached. Each dwelling is designed with a stepped roofline and simple porch canopy. Each dwelling is served by a small paved patio courtyard with space for bin storage. It is proposed that while the scale of development will differ from the surrounding 2 storey dwellings the appearance of the bungalows will integrate with the surrounding properties. This will be achieved by the external walls being red brickwork to closely match the traditional 'Kettering' brick. The roofing will reflect the predominantly traditional blue/black natural slate of the

area and the windows will be provided with cills to replicate typical detailing of the 19th century terraced housing on Havelock Street. The fenestration will be white framed casement windows and the entrance doors will be part glazed which is considered will integrate with the adjacent and nearby development.

Allowing for the constraints of the site and the potential impacts on residential amenity from a more traditionally designed and two storey form of development it is considered that this form of development and the proposed style of the development would be acceptable. The limited views into the site would visually separate the bungalows from the terraced street and this will not create a discordant element within the general streetscene for Havelock Street. Therefore, although the development is not specifically in character with the area the proposed bungalows are not likely to be harmful to the existing character of the area.

In relation to crime prevention the site is set back from the street and there will be no vehicular or pedestrian through traffic. The bungalows are designed to provide maximum surveillance for the public parking and drive element of the scheme and this will detract any causal intrusions. The individual patio areas for each dwelling will be self-contained and bounded by a relatively high brick wall. The courts will have lockable gates and the dwellings will be designed to meet the requirements of Secured by Design New Homes (2010). Further to the advice provided in the pre-application letter an external lighting scheme comprising bollard lighting is proposed to provide additional security.

The external areas of the scheme will be predominantly hard landscaped with block paving, however, this will be complemented and enhanced by areas of shrubs and tree planting in appropriate places to visually soften the built form and provide an attractive setting for proposed dwellings.

As such the proposal is considered to be acceptable in design terms subject to conditions ensuring the use of materials and is regarded to be in conformity with Policy 8 of the NNJCS and NPPF. .

3. Residential Amenity

Paragraph 17 of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light, overbearing or overlooking.

Given the location and size of the site there is a close relationship with a number of nearby properties; particularly 188-204 Havelock Street as well as 211e, 211f and 211g Mill Greene Court to the east of the site. To the south, the site sits alongside the rear boundaries of 189 to 205 Regent Street with the dwelling approximately 25m away, and to the west the side boundary of the garden of No.186 Havelock Street.

The reduction in height from the existing 2 storey 'Offices and Stores', which

are to be demolished, along the eastern boundary to a single storey bungalow structure will benefit the amenity of 200-204 Havelock Street providing more light to the rear gardens and south facing rooms. It will also remove a large and potentially overbearing structure on the boundary of No. 200. It will also benefit 211e, 211f and 211g Mill Greene Court where the separation distance is approximately 4m providing additional light and the removal of existing second floor windows which overlook the surrounding properties.

There is potential for overlooking from the rear windows of Havelock Street into the front windows of unit 2, 3 and 4. The separation distance between the front of the bungalows and the back of the two storey element of Havelock Street is approximately 14m. Although this relationship is tight the fact that this is a first storey to ground floor line of sight reduces the angle and the potential for direct overlooking and loss of privacy. It is considered that this type of close relationship is not uncommon in many urban residential areas and therefore acceptable. The back to back separation distance between the proposed bungalows and the existing properties on Regent Street is approximately 22m. Once again this is a first storey to ground floor line of sight and the only windows on the elevations of plots 2,3 and 4 is a small obscure glazed window to provide natural light for the wetroom/bathroom of each property. There will consequently be no overlooking or privacy issues created by this.

The amenity space of units 1 and 2 is likely to experience some overlooking from the rear first floor windows of 211e, 211f and 211g Mill Greene Court. With the positioning of the bi-fold door on unit 2, there will also be some views into the living space. A Plot 2 Intervisibility plan has been submitted with the planning application and shows that the windows of the flats at Mill Greene Court facing Plot 2 are all obscure glazed. The existing walling to be retained obscures the view further should there be opening windows. It demonstrates that persons of average height will not be able to have sight of or into the glass patio doors for unit 2. The level of overlooking in respect of the outdoor amenity areas for plots 1 and 2 will also not be an issue. Equally, due to the retained existing walling there is not a loss of amenity in this respect of overlooking or loss of privacy for the gardens of the Mill Greene Court flats. Therefore, the amenity issues in this regards are considered to be acceptable.

In regard to the size of dwellings and rooms, Policy 30 of the NNJCS requires all new dwellings to meet to meet National Space Standards. These standards require that a 1 bed 1 person occupancy should provide a minimum gross internal floor area and storage of 39m² or 37m² if the dwelling has a built in shower room instead of a bathroom. The floor area, from the submitted plans, provides for a gross internal floor area of 41.7m² which is greater than the minimum standards. Therefore, this would be compliant with Policy 30 of the NNJCS.

Overall the development does not create unacceptable amenity impacts for existing neighbouring residents or future occupiers of the scheme and is in accordance with Policies 8 and 30 of the NNJCS. Environmental Health has requested a condition to limit the working hours of contractors during construction to protect the residential amenity of neighbours.

4. Parking and Highways Safety

Policy 8 (b) of the NNJCS states that new development should not have an adverse impact on the highway network or prejudice highway safety.

The proposed access is width for the entrance is 7.4m where as a width of 8.5m would be required to meet the required standards. A 2x2m visibility splay is provided on the western side of the access, however, on the eastern side a telegraph pole is positioned just inside the width of the access on the pavement. No visibility splay is provided on this side. The width of the entrance would afford access for one vehicle accessing the development at the same time as one departs thereby not causing an obstruction or tailback blocking the public highway.

The Local Highway Authority (LHA) has responded to the application and objects on the grounds that an adequate pedestrian visibility splay cannot be provided and the presence of a telegraph pole to the left hand side of the access if left in situ is un protected from a vehicle strike which is unacceptable.

The applicant contends that the revised access and the change of use will reduce the number of vehicle movements and improve the safety of the access. The existing commercial use as operated by DN Spencer, the building contractors, at the height of their trade, and a co-located printer, included the movement on and off site of 12 transit vans, 8 employee vehicles and 3 smaller vans. Any future use of the site could include further subdivision of the units with potential increase in vehicle movements. Previous concurrent occupiers of the site have included a fabricator or UPVC windows, a specialist in the production of customised glazing units, a tailoring business and a sign manufacturer with no restrictions on the times and days of usage. The residential proposals will allow for 1 vehicle per dwelling and 1 visitor parking space making a total of 6 vehicles entering and exiting the site.

The applicant also comments that in respect of moving the telegraph pole this has been investigated and is not a practical solution. The telegraph pole has multiple connection lines to properties in Havelock Street and its present location is tight against the existing wall of the site's entrance wall presenting a limited impact on the construction to the already narrow (by modern standards) footpath. If the telegraph pole were to be relocated in front of one of the houses it would need to be located further into the footpath in order to avoid the eaves and gutter overhangs of the properties thereby creating a greater obstruction to pedestrians. It is acknowledged that the telegraph pole is located within the limited eastern visibility splay; however, this would not affect the visibility for vehicular access for the one-way traffic proceeding along Havelock Street from the west. This, in any event, is likely to be compromised by the on-street parking and therefore residents will be cautious exiting the site. In respect of pedestrian visibility the access arrangements are already of a sub-standard nature and it is likely the proposed development will reduce the amount of vehicular access overall. It is considered that this may improve the situation (although this is not the opinion of the Highways Authority) and that a condition could be imposed requiring a road sign to be erected warning

pedestrians of a concealed entrance. The applicant also points out that with the demolition of the existing wall and the fact that vehicles exiting the site will be on the left-hand side of the access road a visibility splay of 2m x 2m for these motorists in practice will be provided. The additional 3.15m for the position of vehicles for pedestrians walking west along Havelock Street will also give them forewarning that there is an entrance and vehicles may be exiting.

Therefore, notwithstanding the fact that the Highway Authority has objected to the access proposals and that they are sub-optimal, it is considered that it will be an improvement on the current arrangements and that the change of use is likely to result in an overall reduction of traffic movements to and from the site. In consequent it is considered that the impact on the highway network and the risk posed to highway safety is acceptable.

5. Contaminated Land

Due to the underlying geology present throughout Northamptonshire there are levels of naturally occurring arsenic, vanadium and chromium found throughout the borough. These frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. There is also the potential risk of contamination of the site from previous commercial uses and therefore to prevent any unacceptable risk to human health to future occupiers of the site, the investigation of the site is necessary to assess the extent of contamination. As no site survey and contaminated land investigation was submitted alongside the planning application Environmental Health has requested that a condition be imposed to inform the Local Planning Authority should any be found and an investigation and risk assessment be carried out. This will ensure there will be no impact on human health in accordance with paragraphs 109 and 121 of the NPPF, which requires development to enhance the local environment by remediating and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990.

6. Bin Collection

As part of the pre-application consultation KBC Environment Care was consulted and no specific concerns were raised. Originally the layout plans identified a bin collection area alongside the shared access on the western elevation of 196 Havelock Street. However, such siting is likely to encourage retention of bins in this location and also create storage alongside the access. An alternative is to keep this area free of all items of storage and for bins on collection day to be placed on the adjoining footway and then returned to their plots. Conditions are proposed to address the need to keep the access clear and therefore the proposals be in accordance with Policy 8 of the NNJCS in this regard.

7. Sustainability

Policy 9 of the NNJCS requires new development to incorporate measure to ensure high standards of resources and energy efficiency and reduction in carbon emissions. This includes measures which limit use to no more than 105 litres/person/day.

The Design and Access Statement submitted with the application includes a Sustainability Statement at Appendix C. The statement indicates that the internal layout of each dwelling will make some provision for possible existing or future adaptation for the disability of the occupants. The site is also centrally located and therefore more accessible for local shops and facilities. The construction will where possible utilise materials which are sustainably procured.

In relation to energy efficiency measures heating installations are to be of a high efficiency gas flued unvented boiler system which will be time and temperature controlled to minimise energy use. Kitchen appliances will be A rated low energy use and low energy lighting will be installed. Water consumption will be controlled through dual flush WCs, flow regulated taps and shower units which will help reduce and minimise the amount of water consumption. Roof water harvesting is to be achieved by the provision of a water butt attached to rear drainage down pipe. An overflow will be direct to an onsite soakaway. As the site is located close to an area of groundwater risk the parking court is proposed to be block paving and allow sustainable drainable drainage within the site.

Cavity wall and roof/floor insulation together with double glazed windows and doors will also reduce and minimise the need to use energy to heat the dwellings.

8. Other matters - Removal of PD Rights

Due to the size of the amenity areas associated with each bungalow, permitted development rights for extensions to these properties have been recommended for removal.

Conclusion

Subject to the imposition of conditions relating to matching materials, the delivery of sustainable drainage features, provision of a contaminated land survey and Highway signage, the proposal complies with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

James Wilson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: