

BOROUGH OF KETTERING

Committee	Full Planning Committee - 22/10/2019	Item No: 5.7
Report Originator	Jonathan Pavey-Smith Development Officer	Application No: KET/2019/0571
Wards Affected	All Saints	
Location	126 Regent Street (land to rear), Kettering	
Proposal	Outline Application: Outline planning application with all matters reserved for the demolition of the existing factory and replacement with 1 no. two bedroom bungalow	
Applicant	Mrs K Steward	

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. Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. The maximum number of bedrooms within the approved site shall not exceed 2. There shall be no other rooms at the first floor apart from the bedrooms and associated bathroom facilities.

REASON: In the interests of the securing adequate parking and to secure a satisfactory form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The dwellinghouse hereby approved shall be a maximum of 1 storey in height with no habitable rooms in the roofs.

REASON: In the interests of the amenities and character of the area and to secure a satisfactory form of development, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, 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 in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details. The approved boundary treatment shall be retained as such thereafter.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. No development above slab level shall commence until 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. No development above slab level shall take place on site until a scheme demonstrating how the development will incorporate measures to limit water use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day. The development shall thereafter be carried out in accordance with these approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

11. No demolition, construction, deliveries of plant and materials for construction shall occur outside of the following times. 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.

12. 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.

Officers Report for KET/2019/0571

3.0 Information

Relevant Planning History

Dates 17/07/2019. --No3 Flats with parking facilities and improved amenities for 126 Regent Street, Kettering – Withdrawn.

Dates 15/11/2004-Two dwellings with parking facilities and improved amenities for 126 Regent Street -126/126A Regent Street, Kettering– Approved 15/11/2004.

Dates 15/09/2004- Change of Use from office to private dwelling. – 126 Regent Street, Kettering –

Refused Reasons:–

1. It is considered that the B2 industrial building to the immediate rear of the property represents a bad neighbour because of the potential noise, fumes and commercial activities associated with such a use which would have a significant adverse impact on the amenities that would normally be expected at a residential property. This is contrary to Policy 47 (Housing: Residential Amenity) of the Local Plan for Kettering Borough.
2. It is considered that the amenity space provided is inadequate for a dwelling and this is coupled with no off street parking and a rear outlook directly onto the industrial building wall. The combination of these matters will singly and in combination have a significant adverse impact on the amenities of a dwelling house contrary to Policy 47 (Housing: Residential Amenities) of the Local Plan for Kettering Borough.

Site Visit

Officer's site inspection was carried out on the 10/09/2019.

Site Description

The application site is situated on the south side Regent Street, to the west of the junction with Nelson Street. A garage with monopitch roof adjoins the site to the east, but otherwise terraced houses adjoin the site on all sides. There is a strong building line fronting Regent Street, Nelson Street and Kings Street and dwellings are characterised by having long rear gardens with no substantial outbuildings.

Proposed Development

The proposed development is for an outline residential scheme for 1no. two bedroom bungalow with all matters reserved. The indicative layout shows the demolition of the existing factory and the footprint of any proposed

development. The proposal would include 2 car parking spaces to the north of the proposal accessed off Regent Street.

In terms of the proposed construction materials the applicant has stated that the flat development will be constructed of red brickwork, render and slate with white joinery. The applicant states that there will be scope for some form of hard landscaping/paving/lawn area within the site, to be determined by layout of the proposed building.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Environmental Health Officer

No objections subject to conditions on working hours for construction and contaminated land.

Neighbours

There were 3 objections and from neighbouring properties. The concerns related to:

- Noise from cars to dwelling on No.126 Regent Street.
- Too small a plot so lack of space for garden for future residents
- Lack of privacy and overbearing to No.147 Kings Street.
- Lack of parking
- Security concerns.

5.0 Planning Policy

National Planning Policy Framework

Section 6 – Delivering a sufficient supply of homes

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

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 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

Saved Policies in the Local Plan for Kettering Borough

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, character and appearance
3. Sustainable construction and design
4. Residential amenity/Impact upon neighbours
5. Highway safety and parking
6. Contaminated Land

1. Principle of development

The application site is located in an established residential area to the North of Kettering town centre within the town boundary just off Regent Street, a major artery for the town.

The principle of proposing a residential property within the confines of a town is consistent with saved Local Plan Policy 35, Policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) and guidance contained within the National Planning Policy Framework (NPPF) which seeks to focus development in towns in the interest of sustainability and to safeguard rural areas.

Policy 11 of the NNJCS directs development towards the Growth Town of Kettering and market towns of which Desborough is one. Policy 29 of the NNJCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas. Paragraph 68 of the NPPF states that small and medium sites can make an important contribution to meeting the housing requirements of an area. While Paragraph 70 states that local plans can consider the case for setting out policies to resist inappropriate development of residential gardens, the Local Development Plan does not currently address this issue.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example there should be no adverse impact on character and appearance, residential amenity of existing or future occupiers and the highway network. These matters are considered further below.

As such, the general principle of proposing housing in this location complies with Local Plan Policy 35, Policies 11 and 29 of the JCS and the NPPF.

2. Design, character and appearance

Section 12 of the NPPF requires good design while Policy 8d) of the NNJCS requires development respond to the site's immediate and wider context, to be of a high standard of design and landscaping and development to respect and enhance the character of its surroundings.

Whilst all matters are reserved, the Local Planning Authority can assess whether it is likely that a dwelling is capable of being accommodated on the site.

The application site is a small rectangular plot measuring approximately 281m² this includes the access off Regent Street. The site minus the access is 209m². This creates a plot which would be surrounded on all sides by two storey residential development. Notwithstanding the proposed development is a small 2 bedroom bungalow (1 new planning unit) is considered to preserve or enhance the character of the area. The proposed bungalow will have less massing than the existing factory and give this part of Regent Street a more open feel. In addition, the rear of the site will be screened to some extent from Regent Street. In addition, with the removal of the factory two storey factory, it is considered to bring this area of Regent Street back in keeping with the residential form of the area and would result in no harm to the visual amenity of the neighbouring properties.

The limited number of bedrooms and size of the bungalow proposed represents a scale of development that can provide enough amenity space for the future occupiers of the dwelling. Details of this will be considered at reserve matters stage of the application process.

The proposed form of development would improve the visual amenity and character of the area and would comply with Policy 8d) of the North Northamptonshire Joint Core Strategy.

3. Sustainable construction and design

Policy 9 of the NNJCS requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. The policy requires all residential development to 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.

The proposed development is in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy with respect to sustainable construction and design standards. If permission were being granted, a condition would be imposed to this effect.

4. Residential amenity/Impact upon neighbours

Policy 8e) of the NNJCS requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed scheme is for 1 x2 Bedroom bungalow sited on an existing factory adjacent to No126 Regent Street and north of a rear gardens of No147 and No149 Kings Street.

As the size of the dwelling is limited to 2 bedrooms and to a single storey, it is judged that the footprint of the bungalow will be smaller than the existing factory and that the plot is large enough to accommodate a good level of amenity space for future residents.

The rear building line is something that will need to be carefully considered particularly in regard to the neighbouring residents. No126 and No128 Kings Street. being north, north east of the site there is potential for loss of light to the rear elevation particularly with any dwelling more than single storey structure if it sits further into the rear garden. As such a condition has been added to recommend that the dwelling is limited to a single storey.

It is accepted that during construction there will be disturbances to amenity in terms of additional traffic noise and movement. A condition has been recommended to limit construction work to within specified times.

As such, subject to the imposition of the recommended planning conditions, it is not considered that the proposed scheme will adversely impact on the residential amenity neighbouring or future occupiers and is in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy.

5. Highway safety and parking

Policy 8b) of the NNJCS states that development should make places safe and pleasant by ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The proposed indicative existing access to the site is directly from Regent Street which is an adopted road. Any gates at the point of access should be hung to open away from the highway. Surface water from a private drive must not discharge onto the highway and drainage should fall within the curtilage of the private property to mitigate any discharge.

The proposed development would create 1 x2 bedroom dwelling. There would be adequate space in front of the site for 2 parking spaces. It is considered that the existing factory use when compared to 1 new dwelling would lead to a decrease in the use of the junction to Regent Street.

It is therefore considered that the proposed development is in accordance with Policy 8b) of the North Northamptonshire Joint Core Strategy.

6. Contaminated Land

Due to the underlying geology present throughout Northamptonshire, there is potential for contaminated land to be present so if the application was to be approved there would have been conditions on contaminated land and an

informative on radon, as recommended by the Environmental Health Officer. This would be required to be in accordance with the NPPF.

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 sites conservation value.

The application site is of low ecological value by virtue of its location within a built up area and therefore the proposed development is not considered to have any adverse ecological impacts

Conclusion

The proposed site is a small site comprising a disused factory plot with direct access from an adopted road to the front. The principle of residential development is acceptable in this location subject to careful consideration of detailed design and layout to take account of residential amenity and the character and design of the area.

It is therefore recommended that planning permission should be granted subject to the recommended conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Jonathan Pavey-Smith, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

