

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/10/2011	Item No: 5.6
Report Originator	Alex Jelley Development Officer	Application No: KET/2011/0434
Wards Affected	All Saints	
Location	120 Rockingham Road (land to rear) and 1 & 3 Charles Street, Kettering	
Proposal	Full Application: 3 no. dwellings	
Applicant	MFOR Associates 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. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

3. 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- 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 part 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,
 - archeological 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'.

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 (referred to in PPS23 as a validation 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 part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part C.

REASON (common to all): 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.

4. Prior to first use or occupation of the development hereby permitted, the means of vehicular access shall be of (or widened to) a minimum width of 4.5m for the first 10.0m from the highway boundary. That area shall be paved with a hard bound surface for the first 5m from the highway boundary. The maximum gradient over the 5m distance shall not exceed 1 in 15.

REASON: In the interest of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Prior to first use or occupation of the development hereby permitted pedestrian visibility splays of at least 2m x 2m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.6m above access/footway level.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Prior to first use or occupation of the development hereby permitted a positive means of drainage shall be installed to ensure that surface water from the vehicular access or private land does not discharge onto the highway.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Any existing access made redundant by this permission shall be removed with the area reinstated to match surrounding footway/verge features prior to first use of the new access hereby being permitted.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- The issue of planning permission does not give or infer permission to implement any works within the highway. No works of any nature may commence within the highway without the express written permission of the highway authority. Such permission would be subject to the completion of an appropriate licence under Section 184 of the Highways Act 1980.

Extensive access works and reinstatement of redundant accesses may require alternative licensing or the completion of an Agreement under Section 278 of the Highways Act 1980.

Most new dwellings will have connection to utilities and sewers that run within a highway. Such connections and associated highway work must be agreed with the Highway Authority. A licence under Section 50 of the New Roads and Street Works Act 1991 is required in such circumstances.

Existing utility plant or features such as inspection chamber covers, cabinets, poles etc may be affected by the creation of, or alteration to, a vehicular access or any works within the highway. The responsibility for arranging and agreeing alterations, protection or relocation of such plant and meeting all associated costs rests with the developer.

Due to 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 therefore the required investigations must take naturally occurring contaminants into consideration. Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide. This document is downloadable at http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf.

If you wish to discuss the requirements of the investigations further please contact Mrs Alex Gratrix, Team Leader (Environmental Protection) on 01536 534348; or email at contaminatedland@kettering.gov.uk.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 3 and 13, Policies 1, 2, 3, 39 and 46 of The East Midlands Regional Plan, Policies 1, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policy 35 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document Sustainable Design. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2011/0046 – 2 no. dwellings – Approved 30.03.2011

KET/2011/0803 – Demolition of existing garage and construction of new dwelling and associated parking – Refused 14/11/2008

KET/1988/1377 – Outline for one dwellinghouse and demolition of existing garage on land between 3 and 5 Charles Street – Approved 21/12/1988

Site Description

Officer's site inspection was carried out on 26.09.2011

The application site lies to the rear of 120 Rockingham Road and is accessed vi Charles Street. The 'L' shaped site is 0.6ha in size and comprises of garden land previously connected to 120 Rockingham Road. There is an existing vehicular access onto Charles Street and a detached double garage is located close to the access. The land has been divided from the remaining garden at 120 Rockingham Road by a 1.8m close boarded fence and the site is otherwise bounded by brick walls between 1.6m and 1.8m in height. The site and the surrounding land is relatively flat, however, there is a gentle slope down from the access to the north and east to west down towards Rockingham Road.

The surrounding area is largely residential in nature, though there are some light industrial units located opposite the site on Charles Street. Furthermore, Rockingham Road benefits from a mix of uses along it.

Proposed Development

This application seeks permission for 3 no. dwellings on land to the rear of Rockingham Road, Kettering.

Any Constraints Affecting the Site

A Road

4.0 Consultation and Customer Impact

Highways Authority

No objection. Recommend conditions relating to access, pedestrian visibility splays, drainage and redundant accesses

Environmental Health

No objection. Recommend condition relating to contaminated land

Neighbours

One letter of objection was received. Concerns were raised in relation to design, highway safety and parking. These issues are addressed within

Section 7.0 of this report.

5.0 Planning Policy

National Policies

PPS1. Delivering Sustainable Development

PPS3: Housing

PPG13. Transport

East Midlands Regional Plan

Policy 1. Regional Core Objectives

Policy 2. Promoting Better Design

Policy 3. Distribution of New Development

Policy 39. Regional Priorities for Energy Reduction and Efficiency

Policy 46. A Regional Approach to Behavioural Change

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

35. Housing: Within Towns

SPDs

Sustainable Design

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

- A. Principle of Development
- B. Design and Character
- C. Residential Amenity
- D. Highways
- E. Sustainability

A. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

The extant planning permission KET/2011/0046, for 2 no. dwellings, established the principle of residential development on the site. The officer's

report for that application states:

“PPS1, PPS3 and PPG13 all state that new development should be directed to existing built up areas. This is repeated in policies 1, 3 and 11 of the EMRP and policies 1, 9, 10 and 13 of the CSS. In addition, policy 35 of the Local Plan states that planning permission will normally be granted for residential development within towns where the proposal is compatible with other policies and proposals in the plan. The objective of these policies is to ensure that new development is located in a sustainable location where there is good access to jobs, facilities, amenities, etc, and that these can be accessed via sustainable modes of transport such as walking, cycling and public transport.

The application site is located within an existing residential part of Kettering approximately 0.5km north of the town centre. It is therefore considered that due to the location of the application site in a sustainable location the construction of 2 new dwellings accords with national and local planning policies and is therefore acceptable in principle.

PPS3 was amended in June 2010 by de-classifying garden land as “previously developed land”. Although the revised PPS3 removes the priority to build on gardens, it does not prevent it. As before, applications for new dwellings on garden land may be acceptable subject to normal material planning considerations. Therefore despite the change to PPS3 the principle of the proposed dwellings would comply with the relevant national, regional and local planning policies.”

The policy landscape has not altered since that permission was granted, and therefore the above statements remain true. The question, then, is whether the proposed increase from 2 dwellings to 3 dwellings would result in a form of development that fails to accord with the aims of the Development Plan and national policy guidance.

Policy 13 of the North Northamptonshire Core Spatial Strategy allows for this form of development subject to specific criteria being satisfied. These criteria deal with matters relating to design and character, residential amenity, and highways; and will be assessed in the sub-sections to follow.

It is considered that the proposals are acceptable in principle, subject to the detailed matters discussed below.

B. Design and Character

PPS1, Policy 2 of the EMRP and Policy 13 h) and i) of the CSS all require new development to be of a high quality of design that is appropriate in its context and respects and enhances the surrounding area. The site does not presently contribute in a positive sense towards the street scene, and therefore there is certainly scope to enhance the quality and character of the street scene via sensitively designed development

The proposed development constitute 3 no. dwellings; comprising 1 no. two storey end of terrace fronting onto Charles Street and 2 no. semi-detached

bungalows to the rear of that, accessed via a drive to the northeast of the two storey property.

Dwelling 1, which is the two storey property fronting onto Charles Street, has been designed to reflect the Victorian character that defines much of Charles Street. It is set back from those properties immediately adjoining it to the southwest, in order to allow the require visibility splays for the access drive. This design feature is common on Charles Street with the dwellings to the northeast and across the road to the east also being set back. The new dwelling would also be subordinate to the existing dwellings to which it would be attached, which would help ensure that it does not stand out in a dominant fashion – this will be furthered if materials match those on the adjoining properties to the southwest. A condition requiring details of materials is therefore necessary. The proportions of the dwelling with regards to fenestration are considered to be appropriate. Dwelling 1, as a result of the above, would form a suitable addition to the street scene.

Dwellings 2 and 3 would be situated behind Dwelling 1, and would be of a single storey, semi-detached nature. They would not be visible from the street scene, other than along the access drive from Charles Street. The design is of a fairly simple nature, and the result is not dissimilar in floor print to the single dwelling permitted by KET/2011/0046. However, the proposed dwellings would be single storey in nature, whereas the extant permission allows for two storey dormer bungalow with a double garage. There are various examples of single storey dwellings within the surrounding area, as well as dormer bungalows. It is considered that the two dwellings would be appropriately located and would not detrimentally impact upon the street scene.

The density of the proposed development would be 46.15 dwellings per hectare, whereas the previous approval involved a development with a density of 30 dwellings per hectare. It is considered the higher density is more in common with the surrounding area and is more suitable considering the central location of the site.

As a result of the above it is considered that the proposals would accord with criteria h) and i) of Policy 13 of the CSS as well as Policy 2 of the EMRP and design-related guidance within PPS1.

C. Residential Amenity

Policy 13(l) of the CSS states that new development should not have an unacceptable impact upon neighbours by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

Dwelling 1 remains exactly the same as previously approved under KET/2011/0046. It will be within the building line of No. 3 Charles Street, and would be 9.3m from the flank of No. 5 Charles Street, the adjoining property on the other side. It would not result in any loss of light or loss of privacy, and it would not have an overbearing impact due to its design, scale and positioning. The windows to the front and rear would not overlooking adjoining properties in

such a way as to result in any loss of privacy, and there are no windows proposed in the side elevation at first floor level.

Dwellings 2 and 3, which replace dwelling 2 of the extant permission, are collectively smaller in scale than the approved building. The ridge height is lower, they are of single storey design, the eaves height is lower, and the double garage element has been removed. Therefore it is considered that they would have even less impact than the previously approved scheme in terms of light and overbearance. The windows proposed are in the front and rear elevations, with obscure glazed units in the side elevations. As the dwellings would be single storey in nature, it is considered that the effective use of boundary treatments will ensure against any overlooking from any of the proposed windows.

It is considered that the proposed dwellings would meet the requirements of criterion l) of Policy 13 of the CSS.

D. Highways

Policy 13 n) of the CSS states that new development should not have an adverse impact upon the highway network or prejudice highway safety.

The proposal is for three dwellings and incorporates space for at least 2 cars off street. These would be utilised by the occupiers of Dwellings 2 and 3, while Dwelling 1 would have a similar relationship with the highway network as existing terraced properties on Charles Street in that informal on street parking is available. The parking spaces provided for Dwellings 2 and 3 are accessed via a drive that accords with Highways Authority standards, and also incorporates turning facilities that ensure that cars will be able to enter and exit in forward gear. The Highways Authority was consulted on the application and has no objection to the scheme.

As a result, it is considered that the proposals accord with policy 13 n) of the CSS with regard to the relationship between the development and the highway network.

E. Sustainability

Policy 14 of the CSS requires new development to meet the highest standards of resource and energy efficiency and reduction in carbon emissions. Development proposals should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and provide for water efficiency/recycling.

The application is accompanied by an energy efficiency and waste audit, design and access statement and Sustainable Design SPD checklist which demonstrate that the proposal will:

- exceed the requirements of the 2006 Building Regulations for emissions
- reduce waste generation during construction
- reuse potential waste materials where possible
- make use of highly rated insulation
- include low volume taps

- have dual flush low volume WCs
- provide adequate space to store recyclable materials
- benefit from soakaways where possible to ensure that the development does not result in an increase in surface water run-off
- provide good transport links due to the proximity of various bus routes and the town centre

It is therefore considered that the applicant has clearly demonstrated that the development would meet the objectives of Policy 14 of the CSS, Policy 39 of the EMRP and the Sustainable Design SPD.

Conclusion

It is considered that the proposals accord with the Development Plan and there are no material planning considerations that would indicate against approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alex Jelley, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

120 Rockingham Road (land to rear) and 1 & 3 Charles Street, Kettering
Application No.: KET/2011/0434



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