

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 19/06/2012</b>	<b>Item No: 5.8</b>
<b>Report Originator</b>	<b>Mark Coleman Assistant Development Officer</b>	<b>Application No: KET/2012/0188</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>Unit 3, 126 High Street (adj), Broughton</b>	
<b>Proposal</b>	<b>Full Application: 1 no. one bedroom dwelling (Unit 3)</b>	
<b>Applicant</b>	<b>Mr M Prescott Timeline Design &amp; Build Ltd,</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. 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 B to D have been complied with (part A has been complied with due to the submission and acceptance of report reference DS11002/F1 dated June 2011 by GeoLogic Consultants and part B must be carried out with the recommendations made in paragraph 7.2 of the report). 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 (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 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: 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 13 of the North Northamptonshire Core Spatial Strategy.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

REASON: In the interests of visual amenity in accordance with policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The dwelling (Unit 3) hereby approved shall not be occupied until the 1.8m high timber fence as shown on approved drawing no. 13-10-03B received by the Local Planning Authority on 6th June 2012 has been fully implemented. The approved boundary fence shall be permanently retained thereafter.

REASON: To protect the neighbouring amenity of existing and future occupiers of no. 126 High Street (Unit 1) and Unit 2 from loss of privacy resulting from overlooking, in accordance with Policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The parking space shown within the red line of the block plan on drawing no. 13-10-01 received by the Local Planning Authority on 28th May 2012 shall be permanently retained for vehicular parking only and for the sole use by the occupiers of the dwelling hereby approved.

REASON: To secure sufficient off road parking and vehicle manoeuvring space clear of the highway in order to protect highway safety in accordance with Policies 2 and 48 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. All ground floor doors or windows shall be hung so as not to open outwards over the highway.

REASON: To ensure the development forms a suitable relationship with the highway network in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The development hereby approved shall not be occupied unless and until all measures set out in the Sustainability Appraisal and Energy Statement received on 30th May 2012 have been implemented. The approved measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of energy efficiency and sustainable construction in

accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

8. Before the development hereby permitted is first occupied or used the access point shall be provided within the site in accordance with the approved plans and shall thereafter be retained and kept available for such purposes.

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

9. The development shall not be occupied unless and until the granite sets to the entrance of the site abutting Cox's Lane have been fully implemented in accordance with the details shown on drawing no. 13-10-03B received by the Local Planning Authority on 6th June 2012. The granite sets shall be retained thereafter.

REASON: To protect highway safety and secure an appropriately surfaced area for the storage and collection of refuse/recycling and to enhance the character and appearance of the development and surrounding area in accordance with Policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) and the requirements of condition 7 of this planning permission, no building, structure or other alteration permitted by Classes A, B, D, E of Part 1, Schedule 2 of the Order shall be made to the dwelling hereby approved.

REASON: To prevent over development of the site which would otherwise give rise to unacceptable harm to residential amenity if not controlled by virtue of loss of privacy affecting neighbours and insufficient provision of private amenity space for the occupiers of the building, and harm to the character and appearance of surrounding area in accordance with Policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- The applicant is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters.
- 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](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](mailto:contaminatedland@kettering.gov.uk)

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Paragraphs 32, 49, 50, 55, 56, 58, 120, 121 of the National Planning Policy Framework, Policies 2, 3, 11 and 48 of The East Midlands Regional Plan, Policies 1, 9, 10, 13 of the North Northamptonshire Core Spatial Strategy, and Policy RA3 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document Sustainable Design. The issues relating to over-development harming the rural character and provision of amenity space, these are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

KET/2010/0673 – Conversion of public inn and out-house to 2. no. dwellings and erection of 1 no. dwelling (approved: 15.12.10)

AOC/0673/1001 - Approval of Conditions - Condition 2 (Materials), Condition 3 (Contamination), Condition 4 (Hard Surfacing), Condition 6 (Drainage), Condition 7 (Traffic Management), Condition 10 (Landscaping), Condition 11 (Boundary Treatment), Condition 12 (Sustainability), Condition 16 (Refuse Point), Condition 18 (Obscured Glass), Condition 19 (Existing/proposed Floor Levels) and Condition 20 (Refuse and Cycles) of KET/2010/0673 (Conditions 2, 4, 6, 11, 12, 16, 18, 19, 20, discharged)

KET/2010/0388 - Conversion of public inn and outhouse to 2. no. dwellings and erection of 1 no. dwelling (refused: 19.08.10)

#### **Site Description**

Officer's site inspection was carried out on 23.04.12. The site is located off the centre spine road (High Street) running through the village of Broughton, and is occupied by the former village pub and associated out-building, which has now been partially converted for residential use. The site slopes steeply uphill in a westerly direction. As a result, unit 3 to which this application relates sits significantly higher (approx 2m higher) than units 1 and 2 which front the High Street.

A partially constructed vehicle access separates unit 3 from units 1 and 2, which will lead to a parking area associated with the various units when the development is complete. At the time of the site visit, construction works were still underway. However, with respect of unit 3, UPVC windows had been installed together with a front door. Some walls had been plastered; no kitchen was present. The section of wall where the proposed single storey addition would be located was also boarded up and the addition had not been built. The building serving as unit 3 is constructed from imperial Kettering red brick and laid to a Flemish bond, with arched brick lintels above the doorway and windows. A brick string course divides the first and ground floor levels. A Juliet balcony doorway has been installed to the rear elevation facing on to Cox's lane. A historic dwelling sits adjacent unit 3 (i.e The Hollies and associated detached building), with more modern dwellings located further west along Cox's Lane. An ironstone garage and retaining wall abut the site to the west, and sit approximately 1.5-2m higher than natural land levels within the site.

#### **Proposed Development**

The proposal is for the creation of a new 1 bedroom dwelling, which is largely the same as that approved under application KET/2010/0673 but includes a ground floor addition to the front elevation (facing south) and changes to door and window detailing. The dwelling is based on the conversion of a former outbuilding.

The ground floor addition has a mono-pitched design and will provide an additional sun room. The doors and windows are of replacement UPVC design; a single ground floor opening on the rear (north) elevation would also be bricked up with matching bricks.

#### **Any Constraints Affecting The Site**

None

### **10/ Consultation and Customer Impact**

#### **Parish/Town Council**

Comment of objection received on 16<sup>th</sup> May 2012. Reason for objection is based on overdevelopment of the already tight and congested site to the detriment of the rural character of this cluster of buildings, and further diminishing of the already minimal amenity area associated with the dwelling. Inadequate car-parking space is also given as a reason which will increase congestion on the street. Note also made with respect of the site possibly being within a future Conservation Area.

#### **Neighbours**

Comment of support from the occupiers of 2 Cox's Lane, Broughton, as the consultee is purchasing the unit (3) for their son, and the extension will benefit him as he suffers from autism and requires 24/7 home care.

### **5.0 Planning Policy**

#### **National Planning Policy Framework**

Section 4 – Promoting Sustainable Transport (Para 32)

Section 6 – Delivering a Wide Choice of High Quality Homes (Para's 49, 50, 55)

Section 7 – Requiring Good Design (Para's 56, 58)

Section 11 – Conserving and Enhancing the Natural Environment (Para's 120, 121)

#### **Development Plan Policies**

##### **East Midlands Regional Plan**

Policy 2: Promoting Better Design

Policy 11: Development in the Southern Sub-Area

Policy 48: Regional Car Parking Standards

##### **North Northamptonshire Core Spatial Strategy**

Policy 1: Strengthening the Network of Settlements

Policy 7: Delivering Housing

Policy 9: Distribution and Location of Development

Policy 10: Distribution of housing

Policy 13: General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Development



## **Local Plan**

Policy RA3: Rural Area: Restricted Infill Villages

## **SPDs**

Sustainable Design

### **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 Appearance of the Area (Visual Amenity)
3. Impact on Neighbouring Amenity
4. Impact on Parking/ Highway Safety
5. Environmental Considerations
6. Sustainable Construction

#### **1. Principle of Development**

The principle of residential use of unit 3 was established under the grant of planning permission KET/2010/0673. Since this decision, whilst all previously relevant national planning policy has been replaced by the National Planning Policy Framework which places a presumption in favour of new residential development (para 49, NPPF) there have been no other significant changes to the direction of planning policy at a national level which are considered relevant to this planning application. Para 50 (NPPF) also encourages Local Planning Authorities to plan for a mix of housing; the proposed one bedroom dwelling house is considered to add to the mix of housing within the village and offers suitable accommodation for starter / single occupancy household needs.

The proposed development is largely the same as the original proposal (for unit 3) in terms of scale, other than the ground floor addition to the rear elevation. The development remains within the existing settlement boundary and is supported by Policy RA3 of the Local Plan, and policies 1 and 9 (CSS) and Policy 11 (EMRP) with respect of its location. Policy 10 (CSS) also allows for limited development of housing within villages. The proposed development involves the re-use of an existing building located on previously developed land, and whilst in a rural setting, accords with priorities set out in Policy 3 (EMRP) and Policy 9 (CSS) with respect of these considerations.

CSS Policy 13 seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area; and does not result in unacceptable impacts on neighbouring amenity through loss of light or overlooking. Policy RA3 of the Local Plan also seeks to achieve similar objectives which address scale, character and appearance, density, layout, etc. Policy 2 (EMRP) and para's 56, 58, 64 of the National Planning Policy Framework also provides support to development which demonstrates good

design. It is considered that the development broadly meets all of the above policy objectives, subject to detailed considerations discussed below.

## 2. Impact on Character and Appearance of the Area (Visual Amenity)

Conversion of the existing outbuilding largely retains the scale of the existing building envelope, but with the addition of a small single storey addition to the south elevation. This addition is subservient to the original built form. Broughton Parish Council object to the proposal on the grounds that this addition results in the over-development of the site which results in a detrimental impact on the rural character of the area; whilst the density of development within the curtilage of unit 3 is higher than the surrounding area, within the wider development site of the original application (incorporating the red and blue line on the location plan) the density of development remains more proportionate to the broader character of Broughton Village which includes both high and low density development. As a result, it is considered that the rural character of the area is not harmed by the additional ground floor element of the proposed development.

Although part of the existing string course detail on the host building will be obscured by the proposed ground floor addition, this does not significantly harm the appearance of the building or the character of the surrounding area. The subservient nature of the addition also preserves the design character of the outbuilding.

It is noted that planning permission KET/2010/0673 removed permitted development rights which allowed alterations to windows. The reason for this was to ensure the *'suitability of the proposed development'* in accordance with Policy 13 (CSS). Whilst retention of the original Crittal windows would have contributed more towards retaining the character of the outbuilding building, the replacement UPVC windows are in keeping with replacement windows on unit 1 and the detached cottage east of 'The Hollies'. Broughton Parish Council highlight that the site is likely to be within a future Conservation Area for the site and that this should be given due consideration. At present, two Conservation Areas have been proposed; the site does not fall within one of them, and at this stage, there is no decision regarding which one the Local Planning Authority will designate. Furthermore, in the absence of any heritage designations (Conservation Area, Listed Building Status) potential Conservation Area status can not be considered. As a result, this is not considered to be a sufficient reason for refusal.

The bricking up of one window on the north elevation is acceptable as matching bricks have been used. The re-designed ground floor entrance on the south elevation is acceptable. As a result, subject to condition securing materials used in the construction of the ground floor addition to match the existing building and removal of permitted development rights which may otherwise result in over development of the site and unacceptable alterations, the proposal is acceptable.

It is noted that the previous application (KET/2010/0673) sought to control landscaping within the site and remove all permitted development rights. The

only public space able to accommodate landscaping are on the visibility splays abutting Cox's Lane. It is proposed to cover this area with granite sets rather than soft landscaping; this is considered more appropriate as the granite sets reinforce the character of the former commercial use of the site and preserve vehicular visibility splays. It is recommended therefore that a condition to secure their implementation is applied instead. It is considered that only permitted development which has the potential to add bulk to the existing building envelope and affect its character and appearance or allow incidental buildings which would reduce amenity space available should be removed, rather than removing permitted development rights for such things as installation of solar panels, etc. Subject to conditions discussed, the proposal is in accordance with the relevant parts of Para 58 (NPPF), Policy 2 (EMRP) and criteria (h) and (i) of Policy 13, and Sustainable Design SPD.

### 3. Impact on neighbouring amenity

Changes to the design and appearance of the windows and doors, and the bricking up of one window (ground floor, north elevation) all have an acceptable impact on neighbouring amenity. The proposed single storey front addition (south elevation) does not result in a loss of access to natural light or overbearing which would affect neighbouring amenity. The north facing window on this single storey addition do not worsen privacy affecting neighbouring properties. Whilst land level changes of approximately 2m between unit 3 and units 1 and 2 result in east facing windows on the single storey addition being nearly in line with first floor windows of the latter, sufficient back to back distances of 19m and the requirement of a boundary treatment of 1.8m is considered sufficient to protect the privacy of neighbouring properties to an acceptable level. The scale of the ground floor addition effectively maintains two private garden areas which will serve unit 3; one measures approximately 25m<sup>2</sup> and the other measures 12m<sup>2</sup>. These are connected by a 60cm wide gap between the corner of the proposed boundary treatment. This is considered sufficient to serve the needs of the future occupiers of the 1 bedroom unit, subject to no further development on site. As a result, a condition to remove permitted development rights is recommended. With respect of neighbouring amenity, subject to the aforementioned conditions the proposal is therefore acceptable and in accordance with the relevant parts of Policy 2 (EMRP) and criteria (l) of Policy 13 (CSS).

### 4. Impact on Parking / Highway Safety

The proposed development does not provide a significant increase in living accommodation (i.e. no additional bedrooms), than that which was approved under planning application KET/2010/0673. Furthermore, unit 2 (a new build dwelling) is excluded from the proposal. As a result, the only additional building occurring within the site relates to the single storey addition to unit 3, with no demolition involved. On this basis and following informal discussion with NCC Highways, planning conditions attached to permission KET/2010/0673 requiring a Traffic Management Plan are not considered necessary in this instance.

The parking and highway layout remain the same as that approved under the aforementioned extant permission, and provide 1.67 parking spaces per

dwelling. The proposal remains to offer a safe and suitable access subject to conditions reserving the parking space and access point as shown on the submitted plans and accords with Para 32 (NPPF), and relevant parts of Policies 2 and 48 (EMRP) and Policy 13 (CSS).

#### 5. Environmental Considerations

Due to underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site is necessary to assess the extent of contamination which will then inform a remediation scheme. Whilst some information has already been submitted in relation to this issue, further evidence relating to site remediation is required. This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with para's 120 and 121 (NPPF), and Policy 13 (CSS).

#### 6. Sustainable Construction

Policy 14 (CSS) requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All development should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency and water efficiency. The submitted information sets out a number of measures for energy and water efficiency and waste recycling which is considered proportionate in detail to the proposal and already considered acceptable with respect of planning permission KET/2010/0673. Subject to condition to secure the development in accordance with the submitted details, the proposal is considered acceptable and in accordance with Policy 14 (CSS).

#### Comments on other points raised by proposal

Consultation comment from the occupiers of 2 Cox's Lane states that they intend purchase unit 3 for their autistic son, and that the granting of planning permission for the proposed sun room will benefit their son by enlarging the footprint of the room. Whilst medical grounds as a reason for the need for the development by an end user is a material consideration, little weight is attached to this as the unit it is not currently under the ownership or occupied by the person referred to who has the special need, and may remain so, particularly given that the development is not substantially complete.

#### Conclusion

The proposed development is acceptable in principle and in terms of its impact on the character and appearance of the area, neighbouring amenity, Parking and Highway Safety, Environmental Considerations, and Sustainable Construction. Little weight is attached to the medical grounds presented to justify the need for development. Despite this the proposal is acceptable, and subject to conditions already discussed, and in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the

proposed development is acceptable and recommended for approval.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Mark Coleman, Assistant Development Officer on 01536  
534316

**Previous Reports/Minutes**

Ref:

Date:

## SITE LOCATION PLAN

Unit 3, 126 High Street (adj), Broughton  
Application No.: KET/2012/0188



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