

## BOROUGH OF KETTERING

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| <b>Committee</b>         | <b>Full Planning Committee - 14/08/2012</b>  | <b>Item No: 5.3</b>                      |
| <b>Report Originator</b> | <b>Chris Rose<br/>Development Officer</b>  | <b>Application No:<br/>KET/2012/0189</b> |
| <b>Wards Affected</b>    | <b>All Saints</b>  |  |
| <b>Location</b>          | <b>51 Charles Street, Kettering</b>  |  |
| <b>Proposal</b>          | <b>Full Application: Demolition of derelict buildings and construction of 4 no. dwellings and associated parking</b> |  |
| <b>Applicant</b>         | <b>Mr Brown</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 A to 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 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 Core Spatial Strategy and paragraphs 120-121 of the National Planning Policy Framework.

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

4. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has 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: To protect the privacy of the occupiers of adjoining properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place on site until details of a scheme for the storage and collection of refuse have been submitted to and approved in writing by the Local Planning Authority. The approved scheme for refuse management shall be provided before the occupation of any of the dwellings and retained as approved thereafter.

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

6. No development shall commence on site until details of how the development will meet the Sustainable Design requirements of North Northamptonshire Core Spatial Strategy Policy 14 and the North Northamptonshire Sustainable Design SPD 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 sustainable development in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy and the North Northamptonshire Sustainable Design SPD .

7. No construction 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 scheme shall be submitted after the demolition of the existing buildings on site. None of the dwellings shall be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place on site until details of the access gate, or gates, 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 visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. The access of the development hereby permitted shall not be carried out other than in accordance with approved plan CS/10C 'Site Entrance Details', received by the Local Planning Authority 31/7/12, with visibility splays of 2 metres by 2 metres provided at the junction of the access road with the public highway by the use of raised cobbles. The sight lines shall thereafter be permanently retained and kept free of obstacles to visibility over 0.8 metres in height above carriageway level.

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

11. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers CS/01C 'Proposed Layout', CS/02B 'Plots 1 & 2' and CS/03D 'Plots 2 & 3' received by the Local Planning Authority on 24/7/12.

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

12. 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) no additional openings permitted by Schedule 2, Part 1 Classes A, B, C and E shall be made in the north elevations or roof plane of dwellings 2 and 3; or in the south elevations or roof plane of dwellings 1 and 4.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- The development should meet the requirements of Secured by Design. Access should be controlled by a 2 metre high electronic gate. Ground floor windows

should meet BS7950 or equivalent. External doors should conform to PAS23/PAS24 or equivalent.

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

The proposal is in accordance with national and local policies as set out in Sections 6 and 7, and paragraphs 7 and 17 of the National Planning Policy Framework, Policies 2 and 3 of The East Midlands Regional Plan and Policies 1, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

- KE/04/0156 - Demolition of existing warehousing/storage and construction of 3 new dwellings - Withdrawn
- KET/2006/0090 – Outline - 2 no. single storey dwellings with off-road parking – Approved 17/3/06
- KET/2006/0760 – Outline - One detached dwelling with detached garage and off road parking – Approved 13/12/06

#### **Site Description**

Officer's site inspection was carried out on 22/06/2012. The site is a vacant commercial premises comprising several single storey buildings arranged in a U-shape around a central courtyard. The existing buildings are sizeable: 4m-5m high and 7m deep.

The site is derelict and there is no evidence of recent use. It is accessed from an existing 4.5m wide access road onto Charles Street.

Surrounding development is residential, characterised by 2 storey terraced or semi-detached, traditional, brick-built dwellings arranged in linear form along the streets. There are numerous examples in the vicinity of backland development breaking up this pattern.

#### **Proposed Development**

Full application: Demolition of derelict buildings and the construction of 4 no. dwellings and associated parking.

#### **Any Constraints Affecting the Site**

None.

### **4.0 Consultation and Customer Impact**

#### **Northamptonshire County Council Highways Authority**

No objection.

#### **Kettering Borough Council Environmental Health**

No objection. Conditions recommended relating to contaminated land.

#### **Northamptonshire County Council Archaeology**

No objection.

#### **Northamptonshire Police**

No objection.

#### **Neighbours**

9 objections from neighbours. Objections summarised as:

### **Highways & access:**

- Volume of traffic generated would be dangerous (x3) and cause obstruction of Charles Street
- Proposal would worsen parking problem in Charles Street x 6
- Loss of passing space for vehicles using Charles Street
- Visibility splays indicated cannot be achieved – obstructed by fence of no. 53 and garage of no. 49
- Disturbance from vehicular movements to no. 49 Charles Street
- Insufficient turning space into site for large vehicles / Turning vehicles into and out of site may damage vehicles parked on street (x 2)
- Dangerous access

### **Residential amenity**

- Loss of light to rear garden of no. 49 Charles Street
- Loss of light to no. 53 Charles Street (property and garden)
- Overbearing impact to no. 53 Charles Street
- Loss of light to no. 55 Charles Street (property and garden)
- Overbearing impact to no. 55 Charles Street
- Overshadowing and overlooking of no. 57 Charles Street
- Overlooking of no. 59 Charles Street
- Overlooking of private amenity space of no. 32 Reservoir Road

### **Miscellaneous**

- A wall or fence should be provided around the access path to no. 49 Charles Street
- Site more suited to single storey dwellings (x 5)
- Site is too small for 4 dwellings
- Noise pollution from 4 dwellings located close to existing properties
- Overdevelopment
- Out of character with traditional street pattern

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph 17 – Core planning principles

Section 6 - Delivering a wide choice of high quality homes

Paragraph 51 - Delivering a wide choice of high quality homes

Section 7 – Requiring good design

### **Development Plan Policies**

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

Policy 2 - Promoting Better Design

Policy 3 - Distribution of New Development

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

Policy 1 - Strengthening the Network of Settlements

Policy 9 - Distribution and Location of Development

Policy 10 – Distribution of Housing



Policy 13 - General Sustainable Development Principles  
Policy 14 - Energy Efficiency and Sustainable Construction  
Policy 15 - Sustainable Housing Provision

### **Local Plan**

Policy 35 Housing within towns

### **Supplementary Planning Guidance**

North Northamptonshire Sustainable Design SPD

### **Other Guidance**

Northamptonshire County Council Highways Authority Standing Advice

## **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 layout
3. Density, type and size
4. Impact on residential amenity
5. Access, highways and car parking
6. Sustainable design
7. Designing out crime
8. Boundary treatments and landscaping
9. Refuse storage and collection
10. Contaminated land
11. Archaeology
12. Other matters raised

### **Principle of Development**

Section 6 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to take a positive approach to proposals for residential development; to significantly boost the supply of housing; to deliver a wide choice of homes; to widen opportunities for home ownership; and to consider applications for housing in the context of the presumption in favour of sustainable development.

The dwelling is located within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area. Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy (CSS) direct development to existing urban areas and indicate that Kettering is a 'Growth Town'. Policy 10 of the CSS establishes that Kettering will provide a focal point for residential development and sets targets for delivering housing. This approach is further supported by East Midlands Regional Plan (EMRP) Policy 3, which indicates that significant levels of growth should be located within Kettering.

Residential development of this previously developed land would help to achieve the housing targets set in the EMRP and the CSS, as well as the requirement of CSS Policy 9 to deliver 30% of new housing on brownfield land.

This is in line with paragraph 17 of the NPPF which encourages the effective reuse of previously developed land.

The extant use of the site is B1 (light industrial) / B8 (storage) with the last confirmed use of the site being a scaffolding firm's yard. Whilst the site is vacant it must be considered as a site with extant employment use, therefore, Policy 11 of the CSS must be given due consideration. This states that existing employment areas should be safeguarded for employment use, unless it can be demonstrated that an alternative use would:

- not be detrimental to the overall supply and quality of employment land within the district, and/or
- resolve existing conflicts between land uses.

The supporting Design and Access Statement states that the site and associated buildings are now derelict and have not been used for many years. The site is constrained and set within an established residential area. The applicant has stated that the site has been marketed for employment use for some time without success. It is recognised that modern employment uses are better suited to edge-of-centre sites and/or where easily accessible for goods vehicles. It is therefore considered that the loss of this particular small (0.085ha) employment site, given its context, would not be to the detriment of the overall supply and quality of employment land in the Borough. Additionally, there is anecdotal evidence within neighbour submissions of past examples of conflict with surrounding residential uses from the previous employment use of the site. Employment use has the potential to detrimentally impact on residential amenity by virtue of noise, odour, dust, pollution and vehicular movements. The proposed change of use of the site to residential use would resolve this conflict. It is therefore considered that both criteria of Policy 11 b) of the CSS are satisfied.

Moreover, Paragraph 51 of the NPPF states that local planning authorities should normally approve planning applications for change to residential use from commercial (B) use classes where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. The proposal is considered to be in accordance with this policy.

The principle of residential redevelopment of the site has also previously been established with 2 consents granted in 2006. Although these consents have since lapsed, the overarching principle of residential use in this location remains sound and the potential of the site to accommodate dwellings has been demonstrated.

The principle of the use of the site for residential development is, therefore, established and in accordance with national, regional, sub-regional and local

policy.

### **Design and layout**

Policy 13 of the CSS requires new development to be of a high standard of design and architecture; to respect and enhance the character of its surroundings; and to create a strong sense of place by strengthening distinctive historic qualities and townscape through its design. This approach is reflective of Policy 2 of the EMRP which requires a good standard of design and respect for surrounding character. Section 7 of the NPPF sets out the importance of good design and underlines how good design is indivisible from good planning and sustainable development.

Charles Street is predominantly characterised by 2 storey terraced, traditional, brick-built dwellings arranged in linear form along the street. There are examples of development which breaks up this pattern with 'backland' development to the rear of the linear rows of dwellings.

Because the site is such a backland site, the proposed development would not present a frontage to Charles Street nor be readily visible to the public realm. The site is visually well contained and surrounded on each side by tall brick walls which are to be retained. These factors, coupled with the former industrial use of the site and its existing functional buildings mean that the site is not particularly sensitive in design terms nor that any particular character needs to be retained or replicated. The current site is derelict and makes a negative contribution to the visual amenity of Charles Street.

The proposed design involves 2 pairs of 2 storey link-detached dwellings, linked by single storey structures housing garages / utility rooms. The design is modern and simple, with pitched roofs and a small feature porch to each dwelling. Whilst the design is fairly generic and not particularly reflective of the context of Charles Street; given the context of the site, and its lack of visual relationship with the streetscene, this is considered to be acceptable in this case. The dwellings would be orientated at 90° to Charles Street and set back around 4m from a private drive some 28m from the street; meaning their visual impact on Charles Street would be minimal. Facing wall and roof materials can be secured by condition to ensure those employed are not incongruous to the surrounding context.

The proposal is, therefore, regarded as acceptable in design terms and it is considered that the redevelopment of a derelict site would have a positive impact on the visual amenity and character of the area.

### **Density, type and size**

Objections were raised in relation to the proposal being an over-development or overly dense form of development. 4 no. 3 bedroom semi-detached dwellings are proposed on a site of 0.085ha. This equates to a density of 47dph. The general density of dwellings in the vicinity of Charles Street is calculated at around 42dph. This demonstrates that the character of the area is

of moderately high density terraced dwellings in a compact urban form. The proposed density of 47dph is, therefore, appropriate to this context and an efficient use of brownfield land.

The footprint of the existing buildings on site is deceptively large, totalling around 430m<sup>2</sup>. The proposed dwellings and garages have an individual footprint of around 55m<sup>2</sup>, giving a total of 225m<sup>2</sup> of the site which would be occupied by buildings. So the proposal can actually be considered a less intensive use of the land and a finer grain, less dense form of development than the existing.

In terms of type and size, Charles Street is characterised by terraced properties and family homes. There are numerous examples of semi-detached dwellings in the vicinity. The constraints of the site mean a terrace or linear form of development is not feasible. 2 pairs of link-detached dwellings are therefore considered appropriate. Whilst the type (traditional style houses) and size (suitable for small families) are in keeping with the mix of surrounding development. Policy 15 of the CSS requires delivery of a balanced mix of housing types and tenures. The 2008 Housing Market Assessment identified a significant need for houses, including those suitable for small families. The type and size of dwellings proposed are therefore considered appropriate, and in accordance with Policy 15 of the CSS.

#### **Impact on 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 2 of the EMRP states that development must maintain amenity and privacy. Policy 13(l) of the CSS 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 or overlooking.

The potential impacts of this proposal on the amenity of neighbouring properties would be limited to potential overlooking, loss of light or overbearing physical impact. In considering these potential impacts it is important to assess the existing character of the area, which is characterised in Charles Street by medium-high density terraced dwellings with adjoining gardens in close proximity to each other. The potential amenity impacts of the proposal are assessed on each geographical aspect of the site in turn:

- **North**

To the north the site is bordered by a 4.3m brick wall which separates it from the rear gardens of no.s 30-38 Reservoir Road. These properties are separated from the site by a distance of over 60m which is considered more than ample to secure their amenity. No windows are proposed on the north elevations of plots 2 and 3. The rear garden of no. 30 Reservoir Road would be subject to a degree of overlooking from the front 1<sup>st</sup> floor windows of the proposed dwellings. However, this would be at an angle of 90° and the garden of no. 30 is a very large L-shaped plot of land some 60m x 60m at its largest extent; the majority of which would not be unduly overlooked by the proposed

dwellings. This cannot, therefore, be considered an unacceptable level of overlooking when judged against CSS Policy 13. Nor can the level of overlooking of the gardens of no.s 32-36 Reservoir Road; the southern most extent of which are some 30m distant from the closest proposed dwellings.

- **East**

To the east of the site the terrace of Charles Street continues east from no. 59, and the site adjoins this dwelling's garden. It is not considered that there would be any unacceptable overbearing impact or loss of light on these dwellings, given the orientation, proposed layout and the separation distances from the proposed dwellings – around 12m at the closest point (plot 4 to no. 59 Charles Street, measured diagonally). No.s 59, 61 and 63 Charles Street have each been extended with a rear 2 storey spur which each have 1 window to 1<sup>st</sup> floor level. The separation distances and angle at which the closest 1<sup>st</sup> floor bedroom windows of proposed plots 3 and 4 would face these properties are as follows:

- No. 59 Charles Street – 12m; 40°
- No. 61 Charles Street – 18m; 55°
- No. 63 Charles Street – 20m; 65°

There would therefore be no direct dwelling-dwelling overlooking and given the angle and distances outlined above, the degree of overlooking of each property is not considered to be unacceptable, or out of context with the urban character of the area. No windows are proposed on the south elevation of plot 4.

There would be a degree of overlooking of the rear gardens of no.s 59, 61 and 63 Charles Street from the 1<sup>st</sup> floor bedroom windows of proposed plots 3 and 4, particularly at their northern extents. However, these gardens are each over 50m in depth so it is considered that sufficient private amenity space would be retained in each case and that the level of overlooking which would result would not be excessive. It must be considered that the gardens are already subject to a degree of overlooking from neighbouring properties given the terraced nature of the dwellings. It is considered that the level of overlooking which would be introduced by the new dwellings is not incongruous to this context.

- **South**

To the south the site is adjoined by no.s 47-49 Charles Street, which would be affected by proposed plots 1 and 2, and no.s 53-57 Charles Street, which would be affected by proposed plots 3 and 4.

No.s 47 and 49 are separated from the southern extent of the proposed garage of plot 1 by 16m and from the 2 storey gable end of plot 1 by 18m. No windows are proposed on these elevations. There is, therefore, no issue of overlooking of these dwellings. The separation distances which would be achieved are considered sufficient to prevent an overbearing impact or loss of light, particularly as the layout of the proposed scheme has been designed to mitigate this impact by presenting the single storey garage closest to the boundary to maximise the distance between the existing dwellings and the 2 storey element of plot 1. Moreover the proposed dwellings are due north of

no.s 47 and 49 which, owing to the path of the sun, means the majority of the daylight received to these dwellings is not received from this direction. The impact on these dwellings is, therefore, considered to be acceptable.

No.s 53-57 Charles Street have each been extended with a rear 2 storey spur meaning the dwellings are quite close to the site – 7m at the closest point. The northern most extent of the existing dwellings would be 8m from the proposed garage of plot 4 and 10m and from plot 4's 2 storey gable end. No windows are proposed on these elevations. There is, therefore, no issue of overlooking of no.s 53 and 55 Charles Street. There would be a degree of overlooking to the rear garden of No. 57 from the rear windows of proposed plots 4 and, to a lesser extent, 3. However, this would be indirect and at a fairly obtuse angle of 20° and a nearest distance of 10m (measured diagonally). This degree of overlooking is thereby not considered to be unacceptable, or out of context with the urban character of the area.

Whilst the gap between the built extent of these existing dwellings and the proposed new ones would be smaller than is the case with no.s 47-49 (due to their extensions) it is not considered that this would result in unacceptable amenity impacts in terms of being unduly overbearing or resulting in significant loss of light. The 10m gap between 2 storey elements is considered sufficient to preserve amenity. The layout of the proposed scheme has been designed to mitigate its impact by presenting the single storey garage closest to the boundary to maximise the distance between the existing dwellings and the 2 storey element of plot 4. The existing buildings and boundary treatments on site already present quite large mass structures to the southern extent of the site, with buildings of 3.7m in height adjacent to the boundary of the existing dwellings. The proposed garage of plot 4 would be set back a further 1m back than this extent with an eaves height of 2.5m and a ridge height of around 5m. The impact of the proposed new buildings at the boundary would, therefore, not be significantly different than the existing situation owing to the siting, scale and mass of the proposed garages and dwellings. Once again the proposed dwellings are due north of no.s 53-57 which, owing to the path of the sun, means the majority of the daylight received to these dwellings is not in any case received from this direction.

- **West**

To the west the site is bordered by a 4.3m brick wall which separates it from the front of no. 43 Charles Street, which is a detached dwelling set back from the main terrace of Charles Street. A separation distance of around 14m would be achieved between the front of this dwelling and the rear of the proposed plots 1 and 2. This dwelling already addresses an imposing 4.3m brick wall to this aspect at a distance of 8m. It is considered that new dwellings a further 6m from this wall, extending to an eaves height of 5m would not be substantially different in terms of physical mass, loss of light or overbearing impact to this residence. This relationship, and separation distance, also limits the impact of overlooking, which is considered acceptable given the context. Whilst the layout, distances between and orientation of no.s 39 - 41 Charles Street and no. 3 Cowper Street and the presence of existing physical structures and walls are such that there would be no negative amenity impacts on these dwellings.

An objection was also raised citing noise pollution from the proposed 4 dwellings. It is not considered that 4 residential dwellings would be an intensification in terms of noise from the noise which could be expected to be generated from the extant employment use which the site has. Moreover the character of the area is of medium-high density terraced residential dwellings which co-exist in close proximity to each other. In this context a level of noise which arises from normal domestic activities must be expected in this area. The introduction of a further 4 dwellings into this context cannot reasonably be considered as an unacceptable intensification of noise incongruous to the setting.

In conclusion, each of the points raised by objectors has been addressed and it is considered that no unacceptably detrimental impact on residential amenity would result to any of the surrounding dwellings, in accordance with Policy 13 of the CSS.

### **Access, highways and car parking**

Objections were raised in relation to the access and car parking arrangements of the proposal. Northamptonshire County Council Highways Authority were consulted on the plans and these issues will be discussed below.

Policy 13(d) and (n) of the North Northamptonshire CSS requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and do not have an adverse impact on the highway network.

The Highways Authority has no objection to the proposed access and parking arrangements. Drawing ref. CS/10C shows a swept path which demonstrates that vehicles can safely access the site, with parked vehicles to both sides, and this is considered acceptable by the Highways Authority. The retention of the access to the site also results in the retention of the access as an informal 'passing place' for traffic negotiating Charles Street.

The site would continue to be served by a 4.5m wide access with dropped kerb from Charles Street which would lead onto a private, gated driveway. Drawing ref. CS/10C demonstrates that pedestrian visibility splays of 2m x 2m can be obtained onto Charles Street within the site. This can be achieved by creating a central 'exit' lane in the driveway by using chicanes of raised cobbles at either side to force vehicles to exit centrally where vision remains unfettered from potential obstructions on neighbouring properties. Suitable provision is made within the site for the turning of vehicles meaning splays of 2m are sufficient and in accordance with the Highways Authority Standing Advice. Accordance with this solution could be secured by condition.

Each dwelling has a private driveway and a garage. However, the garages are quite small; 2.5m x 4.6m as opposed to the 3.2m x 6m recommended in the Highways Authority Standing Advice. This means that parking a standard sized car in the garages would be problematic (a Ford Focus is 1.8m wide). The parking provision provided on site is therefore considered to be sufficient for 4

vehicles – 1 per dwelling. Neighbour objectors cited a paucity of on street parking in Charles Street which the additional 4 dwellings would exacerbate. It is questionable as to whether 4 on site spaces is sufficient for 4 family dwellings, however there are no local standards for the quantity of provision of parking spaces and the Highways Authority expressed no concerns in this respect. There is, therefore, no justification to require a higher level of provision on site; and no evidence or objection from the Highways Authority that the development would result in insurmountable parking problems in Charles Street. This is, therefore, not considered to be a sustainable reason for refusal.

In terms of intensity of traffic, the previous use of the site as a scaffolding firm's depot generated a lot of vehicular movements, including goods vehicles. The ongoing use of the site for employment use would have the potential to continue to generate such movements, together with the associated conflicts and negative amenity impacts. The change of use of the site to residential use cannot, therefore, be considered to be an intensification of the site in highways terms and it is indeed probable that 4 dwellings would generate lighter vehicular movements (in terms of frequency and weight) than an employment use. The development would, therefore, have positive highways and amenity impacts in this respect. It is, therefore, considered that the use of the site as residential rather than employment would have positive residential amenity impacts on the dwellings bordering the access drive, no.s 49 and 53 Charles Street.

Overall, the scheme is acceptable in highways terms and in accordance with policy 13(d) and (n) of the North Northamptonshire CSS.

### **Sustainable design**

Policy 14(b) of the CSS states that development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

A Design and Access Statement, Sustainability Appraisal & Energy Statement and Sustainable Design SPD Checklist were submitted to support the application in this respect. The submitted material in this respect is inadequate and fails to demonstrate how the requirements of the CSS and accompanying SPD would be met by the development. For example the Design and Access Statement makes reference to the site being in Islip, suggesting the study is not bespoke to this scheme.

The proposal will need to do more to demonstrate compliance with the sustainable design policy requirements. For this reason a condition is proposed to require the submission of further details in this respect prior to the commencement of the development.

### **Designing out crime**

Northamptonshire Police raised no objection to the proposal but provided some



recommendations which can be provided as an informative on any grant of planning permission. The scheme is gated with high boundary walls so would be secure. The site is currently derelict and susceptible to anti-social behaviour so its proposed redevelopment would improve the security of the area.

### **Boundary treatments and landscaping**

The proposal involves retaining the existing brick walls which enclose the site, which extend to a height of 4.3m on the north and west boundaries. These walls (in places at least) currently form the perimeter walls of some of the buildings on the site. Whilst the retention of the existing walls is sensible and would mitigate the impact of the development on neighbouring properties, it is possible that upon demolition of the existing buildings and clearance of the site, damage may be done to some of the walls or areas where the walls are not sound may be uncovered. For this reason and in order to preserve residential amenity, a condition could be imposed requiring full details of a scheme for boundary treatments to be submitted, subsequent to the clearance of the site and implemented prior to the occupation of the first dwelling.

The hard and soft landscaping of the development can be dealt with by condition.

### **Refuse storage and collection**

Refuse receptacles would be stored within the curtilage of each dwelling and presented to the street for collection weekly. Detailed arrangements in this respect could be dealt with by condition.

### **Contaminated land**

Kettering Borough Council's Environmental Health Department raised no objection to the development subject to the imposition of the standard, 4 part contaminated land condition.

### **Archaeology**

Northamptonshire County Council have stated that the potential for archaeological interest on this site is very low due to the likelihood of truncation. Consequently no condition in this respect is necessary in this instance.

### **Other matters raised**

A neighbour raised concerns about a path within the site which runs adjacent to no. 49 Charles Street over which the resident of this dwelling has access. This right of access must be retained. The final details in relation to this path, which runs adjacent to the access driveway, for example its surfacing or boundary treatment can be considered under the details to be provided in relation to landscaping and boundary treatments.

### **Conclusion**

The proposal is in accordance with relevant policy, there would be no unacceptable amenity impacts and there are no material planning considerations that would indicate against approval. The proposal would bring an underutilised brownfield site into appropriate residential use and should,

therefore, be approved.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Chris Rose, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

## SITE LOCATION PLAN

51 Charles Street, Kettering  
Application No.: KET/2012/0189



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