

BOROUGH OF KETTERING

Committee	Full Planning Committee - 07/05/2013	Item No: 5.1
Report Originator	Richard Marlow Development Officer	Application No: KET/2012/0560
Wards Affected	St. Michaels and Wicksteed	
Location	112 London Road (land adj), Kettering	
Proposal	Full Application: Erection of 2 no. flats	
Applicant	Mr J Singh Somal (UK) 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. The development hereby permitted shall not be carried out other than in accordance with the amended plans number 3115.12.06 received 20/03/2013 and 3115.12.BP received 26/03/2013 by the Local Planning Authority.

REASON: To ensure a satisfactory form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

4. 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 without the following investigation being carried out.

Development on land affected by contamination:

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 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 11 and paragraph 120 of the National Planning Policy Framework.

5. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The openings at second floor level on the west elevation and within the dormer on the south elevation shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining properties and to prevent overlooking in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

7. The development shall not be carried out other than in accordance with the approved Sustainability Statement received on 6th September 2012 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. 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.

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

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

10. Prior to the commencement of development, a scheme for refuse and cycle storage to the 2 new flats hereby approved and no. 1 Broadway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Policies 4, 6 and 7 of the National Planning Policy Framework, Policies 1, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policy 35 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

1 Broadway

KET/2010/0380. Conversion of first floor to 2 no. flats. Approved 10/08/2010.

KET/2006/1079. Alteration to shop front and new access to residential accommodation. Approved 15/02/2007.

KE/91/0656. Alterations and extensions. Approved 12/11/1991.

Site Description

Officer's site inspection was carried out on 9/10/2012. The application site is a gravelled area of land located between the corner shop at 1 Broadway and the dwelling at 112 London Road. The area of wasteland is currently undeveloped and is used for ad hoc storage and the positioning of temporary clothes recycling banks in association with the adjacent shop at 1 Broadway. The site sits to the west of London Road within an existing residential area to the south of Kettering town centre.

Proposed Development

The application seeks permission for two flats, a single storey ground floor flat with a two storey flat above. The two and a half storey property would be set forward within the plot and would provide private amenity space and storage to the rear. A path serving the upper flat and rear door of the shop would separate the new and existing properties.

Any Constraints Affecting the Site

A Road

4.0 Consultation and Customer Impact

Highway Authority

Recommend that the application is refused due to insufficient parking capacity in the area.

Environmental Health

No objection and have recommended conditions in relation to contaminated land.

NCC Archaeology

No objection and have recommended the standard archaeology condition to ensure adequate provision is made for the investigation and recording of any remains.

Neighbours

7 objections received from 5 neighbours raising the following issues:

- Overlooking to private gardens
- Impact on neighbouring trees at 112 London Road. The foundations and reduction in scale of trees required to accommodate a new three storey development would destroy the existing trees.
- Lack of privacy to neighbouring properties.
- Drainage capacity.
- Loss of light.
- Overdevelopment of the site.
- There is no parking provision.
- The proposal will be out of keeping with the character of the area.
- Density of development
- Provision for rubbish storage is inadequate.

5.0 Planning Policy

National Planning Policy Framework

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Development Plan Policies

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

SPGs

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. Design and Impact on Character of the Area
3. Residential Amenity
4. Parking and Highway Matters
5. Sustainable construction and design
6. Environmental Issues
7. Archaeology
8. Other matters

1. Principle of Development

Section 6 of the National Planning Policy Framework (NPPF) encourages Local Planning Authorities to take a positive approach to proposals for residential development, which should be considered in the context of the presumption in favour of sustainable development.

The application site 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. Paragraph 111 of the National Planning Policy Framework and Policy 9 of the Core Spatial Strategy direct development within towns towards brownfield sites that have previously been developed.

The proposal is for the erection of two flats on a brownfield site within the settlement boundary of an identified growth town, in an area which is surrounded by residential units. As such, the principle of development in this area is established, subject to the detailed planning considerations set out below.

2. Design and Character

Good design is promoted by section 7 'Requiring Good Design' of the National Planning Policy Framework. Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires that development is of a high quality of design and respects and enhances the character of its surroundings.

The proposed two and a half storey pitched roof dwelling would be orientated east-west, with gables facing forward (east) and rear (west).

A small obscure glazed dormer window to the south would provide light to the staircase of the upper flat. The design of the dwelling takes architectural cues from the neighbouring properties to the north and south including feature window headers. The original submitted design has been revised; with the property moved further forward in the plot and elements including the projecting front porch and sky light to the south removed. The result is a design which sits comfortably in the street scene and which presents a cohesive design approach when viewed from the public realm. The scale and mass of the proposal is considered appropriate to the character and size of adjacent properties. Materials to match the adjacent properties are proposed and these can be secured by condition.

In summary the proposal is considered positively in design and character terms and is in accordance with the requirements of criterion h of Core Spatial Strategy Policy 13.

3. Residential Amenity

Policy 13(l) of the Core Spatial Strategy requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

The development would measure 5.8m to the eaves and 9m to the ridge and would provide a private rear garden measuring 6.5m in depth that would also provide storage for refuse and bicycles. Provision is made for refuse storage for the existing shop and flat above adjacent to the proposed private amenity space and Environmental Health has raised no objections to this proposal. Whilst broad details of the size and location are shown a condition requesting that full details of the refuse and cycle storage are secured and approved in writing prior to commencement of development will ensure that no amenity impacts result from this element.

The property is set due north of the neighbouring no. 112 London Road. The only windows proposed on this southern elevation facing no. 112 London Road are two small obscured glazed windows to the second floor which provide natural light to the staircase of the upper flat. As such no overlooking or loss of light issues will result to this neighbouring property and given that flats have no permitted development rights the insertion of additional openings in the future would require planning consent.

The proposed 6.5m depth rear garden, eaves height and orientation of the roof would limit the potential for overshadowing or loss of light to the neighbouring property to the west at no. 3 Broadway. The orientation of the proposal directly north, would also ensure that no overshadowing or overbearing impacts would result to no. 112 London Road.

To the rear windows are proposed at first and second floor with the

second floor windows obscured to provide light to the upper shower room. Objections have been raised with regards to overlooking of neighbouring properties to the west and south. The proposal would be set forward of 112 London Road and would sit parallel to it. It is considered therefore that potential overlooking of no. 112 would be limited and consistent with those of many adjacent residential properties where limited overlooking at angles is evident. The proposal would sit perpendicular to the adjacent property to the west at no.3 Broadway. Given the orientation of the buildings no overlooking between opposing windows will result from this proposal. There will be some limited overlooking to the eastern side of the private amenity space at no. 3 Broadway. Given the rear garden and positioning of the property proposed it is considered that no unacceptable level of overlooking will result to the property to the west. Indeed the level of overlooking will not be materially different from that which exists on site at present.

To the north the proposal is separated from the neighbouring corner shop and flat above by a narrow passageway which would provide access to existing premises to the north and the proposed ground floor flat. On the north elevation secondary windows and roof lights are proposed and these will result in no amenity impacts to 1 Broadway given that there are no windows above ground floor on its south elevation and those at ground floor serve storage areas and a rest room for the convenience store. There is a bedroom window facing west at first floor at no. 1 Broadway and through moving the building forward in the plot the applicant has demonstrated that using the BRE guidance for the 45 degree rule, the proposal does not result in any unacceptable loss of light.

There will be no unacceptable impacts on the amenity of neighbouring residents and it is therefore considered that the proposal is in accordance with criterion I of Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Parking and Highway Matters

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 application makes no provision for car parking within the site. London Road in this location is classified as an A road with no parking restrictions, although there is an advisory cycle lane which cannot be obstructed by parked vehicles. The Highways Authority requested that the applicant submit a parking beats survey in Broadway to highlight parking availability in the area. This highlighted that very limited spaces were available and therefore the Highway Authority have objected to the proposal based on the lack of parking provision.

The application form details that there will be a one bedroom and two

bedroom flat in the development. The proposal is located on a key radial route within Kettering and is located in close proximity to existing bus stops and the town centre. It is not considered that an additional 2 flats in this location would result in an unacceptable over intensification of traffic, or generate a significant amount of extra vehicular movements, or cause existing highways and accesses to exceed their capacity.

The proposal accords with objective 5 and policy 13 (e) of the CSS which seek to support modal shift and a shift away from reliance on use of the private car. Policy 4 of the NPPF details that opportunities for the use of sustainable transport modes for the movement of goods or people should be exploited. There is also no evidence that the proposal will have an adverse impact on the highway network or prejudice highways safety in accordance with policy 13 (n). Whilst objections have been received about a lack of parking, the scheme is located in a sustainable location, in close proximity to the town centre and therefore encourages modal shift consistent with policy 4 of the NPPF and policy 13 (e) of the CSS.

5. Sustainable construction & design

Policy 14(b) of the North Northamptonshire Core Spatial Strategy 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.

The applicant has submitted a Sustainability and Energy Statement, and a Sustainable Design SPD Checklist which demonstrates how the requirement of the CSS and accompanying SPD would be met by the development. Subject to a condition which secures accordance with these documents, it is considered that Policy 14(b) of the North Northamptonshire Core Spatial Strategy has been met.

6. Environmental Issues

Due to the underlying geology present across the county which commonly presents high levels of naturally occurring arsenic and the sensitive end use being proposed, a condition should be attached to any permission requiring a contamination investigation followed by any necessary remediation.

7. Archaeology

There is potential for remains of archaeological interest to survive on the site and therefore the standard condition for an archaeological programme of works which makes provision for the investigation and recording of any remains that are affected, should be attached. With the inclusion of the standard condition the application accords with criterion o of CSS policy 13 which seeks to conserve and enhance

historic built environmental assets and policy 12 of the National Planning Policy Framework

8. Other matters

Objections have been made to the proposal and its impact on the two existing Yew trees that are located on the northern boundary of the adjacent site at 112 London Road, and whose roots and canopies overhang much of the application site. These trees are not located within the Conservation Area and are not subject to Tree Preservation Orders. The agent has submitted a letter which is included on the application file that highlights that piled foundations would be used in an attempt to minimise any ground/ moisture shrinkage possibilities. Such considerations are outside of planning's remit but may help to alleviate some of the concerns of the neighbour. Whilst the trees are mature specimens their growth over the proposed site should not preclude any form of development on this site.

Conclusion

The proposal is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. There is some conflict with policy 13 (d) of the CSS in that the proposal does not provide for parking but in this instance and given the town centre location this is outweighed by the other material considerations and would not warrant refusal. The principle of development is established, there would be no unacceptable detrimental impact on neighbouring residential amenity and the design is appropriate. The application is recommended for approval, subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Alison Riches, Development Officer on 01536 534316

SITE LOCATION PLAN

112 London Road (land adj), Kettering
Application No.: KET/2012/0560



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