

BOROUGH OF KETTERING

Committee	Full Planning Committee - 07/05/2013	Item No: 5.4
Report Originator	Rebecca Collins Senior Development Officer	Application No: KET/2013/0126
Wards Affected	Burton Latimer	
Location	71A Church Street, Burton Latimer	
Proposal	Full Application: Erection of 4 no. dwellings with associated car parking	
Applicant	Berrys	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

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

REASON: In the interests of the visual amenities of the area in accordance with policies 7 and 12 of the NPPF and 13 of the North Northamptonshire Core Spatial Strategy.

3. External walls to plots 3 and 4 shall be constructed in natural stone and shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.

REASON: In the interests of protecting the character and appearance of the Conservation Area in accordance with policy 13 of the North Northamptonshire

Core Spatial Strategy and Section 72 of the Planning and Listed Buildings Act 1990.

4. No development shall take place on site until full details of all windows, doors, openings, roof lights, timber finishes and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The window details shall include glazing bar details shown on a plan of no less than 1:2. Rooflights to be fitted so that externally they are flush fitting with the surface of the roof plane. Samples of the materials to be used shall also be submitted and approved 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 character and appearance of the Conservation Area in accordance with policy 12 of the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy.

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

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

6. 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 or C, shall be made in any elevation or roof plane of any plot without the prior written consent of the Local Planning Authority.

REASON: To protect the amenity and privacy of the occupiers of adjoining property and the character and appearance of the Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. 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 building, structure or other alteration permitted by Class A, B, C, D, E, G of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the character and appearance of the Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. Prior to the commencement of development a plan of no less than 1:200 showing in detail the layout of the internal courtyard, detailing the materials to be used in the construction of the hardsurfacing, together with samples, shall be 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 character and appearance of the Conservation Area in accordance with policy 12 of the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Due to the previous potentially contaminative use of the site and 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 of the NPPF and 13 of the CSS.

10. Prior to the commencement of development, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste and water recycling and provision for water efficiency and recycling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of 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.

12. No development shall commence until a programme of archaeological work, in accordance with a written scheme of investigation, which has first been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

REASON: To ensure that features of archaeological interest are properly examined and recorded, in accordance with paragraph 141 of policy 12 of the NPPF.

13. The development hereby permitted shall not be carried out other than in accordance with the approved plans shown on drawings titled 'Site Layout' and 'Plots 1 and 2' received on 16.04.2013 and 'Plots 3 and 4' received 07.03.2013.

REASON: To define this permission for the avoidance of doubt and protect the character and appearance of the Conservation Area in accordance with policy 12 of the NPPF and policy 13 of the CSS.

14. The existing stone boundary walls to the southern and eastern boundaries of the site shall be retained, repaired or rebuilt with materials which shall first be submitted to and approved by the Local Planning Authority, to a minimum height of 2 metres. The stone walls shall be capped as existing.

REASON: To protect the character and appearance of the Conservation area in accordance with policy 12 of the NPPF and policy 13 of the CSS.

15. Prior to the commencement of development a scheme for the installation of bird and bat boxes shall be submitted to and approved in writing.

Prior to the occupation of the dwellings hereby approved, the approved scheme shall be fully implemented.

REASON: To ensure a net gain in biodiversity in accordance with policy 5 of the CSS and policy 11 of the NPPF.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Policy 6, 7, 11 and 12 of the National Planning Policy Framework, Policies 1, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 35 of the Local Plan for Kettering Borough. The issues relating to access and visibility 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/2012/0483 – Erection of 4 dwellings with associated car parking (withdrawn)

KET/2012/0484 – Conservation Area Consent – Demolition of buildings (withdrawn)

KET/2008/0670 – Detached house and garage (approved)

KET/2005/0303 – One detached dwelling (refused)

KET/1983/0988 – Car spraying (refused)

Site Description

Officer's site inspection was carried out on 02/04/2013.

The application site consists of a reasonably large site, previous a garage with a number of buildings located on the edges of the site around a large concrete area to the centre. Towards the rear of the site is a two-storey cart barn constructed of ironstone with slate roof and two sets of large full height sliding timber double doors. There are no further openings to the front elevation but a timber hatch to first floor, side (eastern elevation) facing the immediate rear garden of number 73. The majority of the rear elevation is hidden by existing trees and vegetation.

To the western side of the site is a single storey limestone barn with ironstone detailing and timber infilling on the front elevation. There is a single storey concrete double garage behind this barn (to be removed), a lean to, single storey brick structure to the front (southern elevation of the site – to be removed) and a brick rendered single storey lean to structure to the eastern boundary of the site with corrugated metal roof (to be removed). The single storey structures to the east and south of the site lean against the existing lime and ironstone boundary walls, which are approximately 1.8 metres in height and are to be retained. To the rear of the site (north) is a further concrete and corrugated roof double garage.

The site is located in the Burton Latimer Conservation Area in the historic core of Burton Latimer. Adjacent to the west of the site, attached to single storey barn to be retained is a row of two-storey limestone terrace cottages with ironstone detailing, abutting the public highway. On the eastern side of the site is an access to properties to the rear of number 73, and a further single storey triple garage.

Number 73, adjacent to the site is a large ironstone property with wooden sash windows, set back from the public highway with projecting front gable and railings abutting the highway.

The majority of buildings in the street are limestone properties with timber windows and doors, which abut the pavement. There is

evidence of other barn conversions along the street scene which reflect the character of this part of the Conservation Area and Burton Latimers agricultural past. There is strong sense of enclosure in the street scene through properties abutting the highway or stone walls providing the same function.

Proposed Development

The proposal is for the erection of 4 dwellings including the conversion of the existing two storey barn to the rear of the site to create two dwellings one with a two storey rear extension and car parking to rear and the other with car parking to the internal courtyard. Also, the conversion of the existing single storey barn to the western side of the site with front gable projecting extensions to create two single storey units with car parking and gardens to front/courtyard.

Any Constraints Affecting The Site

Located with the Burton Latimer Conservation Area
Setting of neighbouring Listed Buildings
Adjacent to a C Road

4.0 Consultation and Customer Impact

Parish/Town Council

Burton Latimer Town Council have no objection to the proposal, subject to amendments to include vehicular access to plot one not be off singular drive to side of site due to its limited width and risk to pedestrian safety. The front stone boundary wall and new gables to western barn should be removed to allow views to the historic barn to rear. The front wall should be re-built in stone to a maximum height of 1 metre with a pedestrian access gate.

English Heritage

English Heritage refers the Local Planning Authority to their guidance notes when assessing the impact of the proposal on the significance of Listed Buildings and the setting of the Conservation Area.

NCC – Archaeology

No objection subject to the application of an archaeological programme of works condition.

Wildlife Trust

Have no objections subject to conditions with regards to the installation of bat and bird boxes and compliance with the ecologist's own recommendations, as made within Section 4 of their report, on "Conclusions and Recommendations".

Environmental Health

No objection subject to a contaminated land condition and note with regards to working hours.

Neighbours

Four neighbouring properties have objected to the proposal on the following grounds:

- Vehicular access to plot 1 is off a singular drive which is currently utilised for two number dwellings and garages, the access is narrow with no pedestrian access and therefore the use of this access for plot 1 will be a risk to the safety of its users. There is no visibility along this access and the number of users of this drive exceeds 5 (3 garages and 2 at Beech House).
- The front stone boundary wall and new gables to western barn should be removed to allow views to historic barn to rear. The front wall should be re-built in stone to a maximum height of 1 metre with a pedestrian access gate. This will help protect the significance of the Listed Beech House.
- On street car parking is likely to increase as two of the two bedroom plots only have one car parking space.
- The proposal would have an impact on amenity through the use of windows and doors in the rear elevation of the two storey barn.
- Extensions to the existing barn would be out of character with the existing.
- Demolition of the barn is out of character with the area and should be kept.

Further comments include that the roof heights should not be increased, the boundary walls improved and overlooking from windows avoided.

5.0 Planning Policy

National Planning Policy Framework

Policy 6 – Delivering a wide choice of quality homes

Policy 7 – Requiring good design

Policy 11 – Conserving and enhancing the natural environment

Policy 12 – Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the network of settlements

Policy 10 – Distribution of housing

Policy 13 – General sustainable development principles

Policy 14 – Energy efficiency and sustainable construction

Local Plan

Policy 35 – within towns

SPGs

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle
2. Character and Appearance of the Conservation Area
3. Impact on the Setting of locally Listed Buildings
4. Design
5. Amenity
6. Highways, access and Car Parking
7. Contamination
8. Sustainable Design

1. Principle

The application site is located within the settlement boundary of Burton Latimer as defined by policies 1 of the North Northamptonshire Core Spatial Strategy (CSS) and 35 of the Local Plan for Kettering Borough. Development within settlement boundaries is usually considered acceptable in principle subject to compliance with all other relevant policies and material planning considerations.

2. Character and Appearance of the Conservation Area

The application site is located in the Burton Latimer Conservation Area. The 'Church Street' area is the historic heart of Burton Latimer and has a distinct character, dominated by the church spire. Here, stone buildings abut the highway. The Conservation Appraisal for Burton Latimer states that new development along Church Street should fit with the rural context and relate to the established grain of development by respecting the street pattern and built form. The use of materials should match in appearance or compliment the existing and include ironstone, limestone and Welsh slate.

The proposal involves the conversion of two existing buildings on site, these include a traditional cart barn and a smaller barn to the west of the site. Conservation Area consent is sought for the demolition of 4 further smaller buildings, 2 modern garages and two brick buildings to

the front of the site (KET/2013/0142). It is considered that the buildings to be lost are modern additions to the ironstone structures which are to remain, these buildings are largely hidden from view by the existing stone walls, which are to be retained and are an important feature in the street scene, adding to the sense enclosure, which is characteristic of this part of the Conservation Area, especially given the set back and orientation of the remaining buildings. Provided the buildings linked to the boundary walls are removed without damage to the stone boundary wall then the loss of these buildings is not considered to have a detrimental impact to the significance of the Burton Latimer Conservation Area in this location. A condition is to be added to the conservation area consent application requiring a scheme to be submitted for the removal of buildings to ensure works are not detrimental to the stone boundary walls.

The remaining barns are to be converted, which significantly helps to preserve the rural character of this part of the Conservation Area and ensures that these barns which contribute to the character and appearance of the Conservation Area are retained. The proposal is considered acceptable in terms of its impact on the character, appearance and significance of the Conservation Area in accordance with policies 12 of the NPPF and policy 13 of the CSS.

3. Impact on the significance of locally Listed Buildings

The application site lies adjacent to number 73, The Beech House, Church Street, Burton Latimer a Grade II Listed Building and opposite numbers 24-30 Church Street, all Grade II Listed Buildings and is surrounded by many other historic buildings and Listed Buildings. Numbers 24-30 Church Street are primarily 18th century, constructed of limestone with ironstone dressings and (apart from number 26) abutting the highways. Attached to number 30 is a Listed attached outbuilding, contributing to the rural character of this part of the Conservation Area. Number 73 is a slightly later construction of late 18th century to early 19th and is constructed entirely of ironstone with the principle range of the dwelling set back from the highway with a front projecting gable and railings to the front, probably depicting this buildings higher status. The proposal through retaining the limestone walls and the lime and iron stone barns is actually protecting the setting of these buildings their significance through retaining the sense of enclosure in the street scene and the links to the agricultural past. The proposal is therefore considered to have an acceptable impact on the significance and setting of locally Listed Buildings in accordance with policies 12 of the NPPF and 13 of the CSS.

4. Design

The proposal is a re-design of the originally proposed scheme which was withdrawn (KET/2013/0483), which involved the demolition of all buildings on site and the construction of four dwellings. This proposal is a vast improvement in that, in accordance with the advice of the Local Planning Authority, seeks to retain the historic fabric including the

existing barns and stone walls and includes a sympathetic conversion of the cart barn to the rear of the site. This proposal utilises the existing openings and involves very few additional openings in accordance with advice with regards to barn conversions as outlined by English Heritage. Provided the materials used for windows and doors and infilling of openings are timber and sympathetic to the character of the existing then the proposal for the conversion of the barns is considered to be a good design to warrant approval in accordance with policies 7 of the NPPF and 13 of the CSS. The rear projecting extension will not be visible from the public highway and although not a structure one would expect to see on a linear cart barn, it will not be visible from the Conservation Area or public realm and therefore in this instance is considered acceptable.

The proposal includes two single storey front projecting gables to the single storey barn to the west of the site, again although not structures one would expect to see on a linear structure. The design would be improved if these were removed and this was one unit, however, given the presence of the existing high stone wall to the front boundary of the site and provided these are constructed of sympathetic materials including Welsh slate roofs and limestone then in this instance they are considered acceptable in terms of design and impact on the street scene.

The site layout works well with the restrictions of the site, boundary treatments and surfacing should be conditioned to ensure the space is attractive and well defined within the Conservation Area. Gardens are restricted in size due to the site layout, location of buildings to be retained and the need to accommodate of car parking. However, the gardens to the two storey barn are between 10 and 8 metres wide and 7 metres long, which is considered acceptable for dwellings of this size. The gardens to the single storey properties are smaller but these are only small two bed properties. These gardens are approximately 6 x 5 metres.

In this instance the design and layout seeks to preserve the character of the area and the street scene and subject to conditions regarding materials, detailing, boundary treatments and surfacing the proposal is considered to be a good design according with policies 7 of the NPPF and 13 of the CSS.

5. Amenity

The majority of openings within the existing barn are existing, an existing opening on the eastern elevation will remain blocked up to protect the amenity of the Beech House, a condition can be applied to limit openings to protect the character of the barn as well as the amenity of neighbouring properties. There is approximately 34 metres from the proposed rear two storey barn extension to the property behind, which is considered a significant distance to protect this properties amenity. Properties to the west, off Church View are 17 metres away and there is

only one window in the ground floor western side elevation for a utility room proposed facing these properties, where views would be obscured through boundary treatments. Further windows can be restricted by condition. Given the limited number of openings and distance from neighbouring properties then the proposed conversion of the two storey barn is considered acceptable in this instance. Given that the single storey barn is surrounded by higher stone walls and the windows are concentrated within the courtyard, provided openings to the north and west elevations are restricted then the proposal is unlikely to have an impact on the amenity of neighbouring properties in accordance with policy 13 of the CSS.

6. Highways, Access and Car Parking

The main access to the site off Church Way is a maximum of 4.4 metres wide (should be a minimum of 4.5 to serve a maximum of 5 dwellings), it is an existing access which previously served a car repair garage, a use which could begin operation again at any time. There is limited visibility either side of the access due to the presence of high stone walls, this may have an impact on highway safety not in accordance with policy 13(n) of the CSS. However, visibility could only be improved with the removal of historic stone walls, which would have an unacceptable impact on the character of the area and the use of the access would involve less vehicular movements than the existing use, therefore having a positive impact on highway safety on this location.

Neighbouring properties are concerned about the impact on highway safety and its users from the use of the shared access in between the site and stone walls to the east, and Beech House. This is a narrow access with no pedestrian walkway, only a narrow grass verge. Again there are two existing garages to the rear of the two storey barn, the trips associated with one property would largely equate to the number of trips associated with these existing garages, to be removed. Currently, this access is for 5 garages and two dwellings, the permitting of this development would leave 3 garages and 3 dwellings, the number of vehicular movements and access use largely equates to the same. Although, it is accepted that a pedestrian access would be preferable in this location, this would involve the demolition of historic stone walls this would be to the detriment of the character of the Conservation Area and the setting of the adjacent Listed Building. Therefore, the proposed development is considered acceptable in this instance in terms of its impact on highway safety.

There are two car parking spaces for the 4 bedroom and 2 bedroom dwellinghouses to the rear of the site and one car parking space each for the two bed single storey dwellings, this number of off road spaces given the distance of the site from the town centre and bus routes and the size of the dwellings is considered acceptable in accordance with policy 13 of the CSS.

7. Contamination

Due to the underlying geology present throughout Northamptonshire, a full ground investigation will be required to prevent unacceptable risks to future occupants of the site. Subject to this, the proposal is considered acceptable in terms of risk of contaminants and in accordance with policy 11 of the NPPF.

8. Sustainable Design

Policy 14 of the CSS requires new development to meet the highest standards of resource and energy efficiency and a reduction in carbon emissions. All proposals for new development should demonstrate how they are intending to incorporate techniques of sustainable construction and energy efficiency and make provision for waste reduction and recycling and for water efficiency and water recycling, this can be a condition, subject to which the proposal is considered acceptable in terms of sustainable construction and design.

Conclusion

The proposal is considered acceptable and in accordance with policies 6, 7, 11 and 12 of the National Planning Policy Framework, policies 1, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy and policy 35 of the Local Plan for Kettering Borough. Despite the proposed access not meeting current highway standards, it is considered that the proposed use will be less than or comparable to the existing use of the accesses and further highway works would have a detrimental impact on the character and appearance of the Conservation Area and the street. The proposal is therefore recommended for approval on this basis.

Background Papers

Title of Document:

Date:

Contact Officer:

Rebecca Collins, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

71A Church Street, Burton Latimer
Application No.: KET/2013/0126



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