

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 07/05/2013</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Rebecca Collins Senior Development Officer</b>	<b>Application No: KET/2013/0224</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>56 Church Street (land adj), Broughton</b>	
<b>Proposal</b>	<b>Full Application: Erection of 1 no. dwelling with access</b>	
<b>Applicant</b>	<b>Mrs K Hurford</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. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

3. The external walls of the development 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 of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No development shall take place on site until full details of all windows, doors, roof lights, timber finishes, rainwater goods and chimneys, including samples, have been submitted to and approved in writing by the Local Planning Authority. The window and roof light details shall include glazing bar details at 1:5. Rooflights to be fitted so that externally they are flush fitting with the surface of the roof plane. The development shall not be carried out other than in accordance with the approved details.

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

5. Any gates provided at the point of access to the site shall be hung so as to open inwards into the site only.

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

6. No other development shall commence until visibility splays of 2 metres by 2 metres have been provided at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 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.

7. 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 setting of the Grade II\* Listed Church and the character of the area in accordance with policies 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall commence on site until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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 policy 13 of the CSS.

10. No development shall take place on site until a scheme for boundary treatment including retaining walls and materials, 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 protecting the character of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. 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, D and E of Part 1 of Schedule 2 of the Order shall be erected on the application site.

**REASON:** To protect the character of the area and the setting of the Grade II\* Listed Church in accordance with policy 12 of the NPPF and policy 13 of the CSS.

12. Prior to the commencement of development a plan of no less than 1:200 showing in detail the layout of the access detailing the materials to be used in the construction of the hardsurfacing, together with samples, shall be submitted to and approved in writing prior to the commencement of development. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not have an adverse impact on the character of the area and the setting of the Grade II\* Listed Church in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. No works shall commence on site until a scheme to secure the safety, stability and appearance of the stone boundary walls, which are to be retained, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, where appropriate, include measures to strengthen the walls and/or provide protection against the weather during the progress of the works. Thereafter the works shall not be carried out other than in accordance with the approved details. Any works of repair necessary to the stone walls shall be carried out in materials to match the existing prior to the occupation of the dwelling hereby approved.

REASON: To ensure the preservation of the boundary walls to protect the character of the area and the setting of the Grade II\* Listed Church in accordance with policy 12 of the NPPF and 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 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 RA3 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document Sustainable Design. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

N/A

#### **Site Description**

Officer's site inspection was carried out on 08/04/2013.

The application site is a grassed site to the east of Church Street, Broughton. The site lies to the west of the Grade II\* St Andrews Church in a historic part of Broughton. There is dense vegetation within the graveyard of the Church limiting views into the application site. Opposite the site is the Grade II Listed Holly House and there are a further three Grade II Listed properties in Church Street.

The ground levels in this location are significantly raised into the site, sloping upwards towards the Church. There are no buildings with the application site but to the front (western boundary) and southern side boundary are stone retaining walls.

There is a public right of way running along the southern boundary of the application site, adjacent to the site.

#### **Proposed Development**

The proposal is for the construction of one dwelling and access.

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

The setting of the Grade II\* Listed St Andrews Church and other locally Listed Buildings

Public Right of Way (GD005)

Site lies within the emerging Broughton Conservation Area (as proposed)

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

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

The application is supported on the basis of its design and materials. However, concern has been expressed with regards to the potential for permitted development, incidental garden buildings, which may have an adverse impact on the setting of the Church.

#### **NCC – Archaeology**

Raised no objections, subject to the imposition of a condition requiring a scheme of archaeological investigation.

### **Broughton Parochial Church Council (PCC)**

The PCC adopts a neutral position to the application subject to the following:

- The PCC is consulted on any subsequent applications to change the appearance of the proposal,
- Seeks indemnity towards any disturbance to the foundations and walls between the site and the Church,
- Seek indemnity against the ingress of roots from trees within the Churchyard on the North and East boundaries,
- The Church has a Growth Action Plan, which will, over time significantly increase the use of the Church through formal occasions, such as weddings, uniformed parade services and normal worship. Plans include an extension to the south side of the Church for additional activities. These activities could increase people movements, on-street car parking and associated noise including Church bells. In this context the PCC will object to any proposals that reduce on street car parking.

### **Neighbours**

Number 2 Grange Road, Cransley wishes to object to the proposal on the grounds that this development would obscure the visual amenity of the historic village church. Also, that the previous dwellings on this site should not be used as justification for new development.

Number 37, Holly House, Church Street, Broughton wishes to support the proposal on the grounds that this is a well designed development, the existing site is ugly and it previously had cottages on it. The proposal will enhance this area.

Number 62 Church Street, considered that the proposal would have no detrimental impact on them or the surrounding area and would tidy up a currently untidy site with a house sympathetic to the surrounding area.

Number 64 Church Street, wishes to support this application as the current site, if left, could be used inappropriately. A single house designed in character with the surrounding area would be an improvement, provided building heights are carefully considered.

## **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**

RA3 – Rural Area: Restricted Infill Village

## **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. Impact on the setting of locally Listed Buildings
3. Character of the area and design
4. Amenity
5. Highways, access and Car Parking
6. Contamination
7. Sustainable Design
8. Other matters

#### 1. Principle

Policy RA3 of the Local Plan for Kettering Borough states that planning permission will only be granted for new residential development in restricted infill villages, of which Broughton is one; where the proposal falls within the village boundary; the proposal is in character with the surrounding area; it does not involve the development of open space; accords with all other policies; and takes account of the requirement to conserve energy. Policy 1 of the North Northamptonshire Core Spatial Strategy states that development in rural areas should only take place in village boundaries.

The application site lies within the designated settlement boundary for Broughton, with other residential properties to the north and south of the application site. Development within settlement boundaries is usually considered acceptable in principle subject to compliance with all other relevant policies and material planning considerations.

#### 2. Impact on the setting of locally Listed Buildings

Section 66 of the Planning and Listed Buildings Act 1990 places a duty on all Local Planning Authorities to have special regard to the



desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in considering whether or not to grant planning permission.

The application site is located within the setting of the Grade II\* Listed St Andrews Church. The significance of the Church lies in the architectural and historic interest of the Church. There were previously cottages which stood on this site and the design of the proposal, provided it is built of good quality materials, does reflect some of the qualities of the terrace cottages which stood on this site. The dual front door frontage certainly gives the appearance of two cottages.

The site is on a significantly raised ground level to that of the street, development at this ground level would have a dominating impact on the setting of the Church. However, the application proposes to reduce the ground levels to street level and a finished floor levels condition would ensure that the development was not on an unacceptable level to affect the setting of the Church. There is much dense vegetation in the Church yard which serves to protect the setting of the Church and views to it.

Opposite to the site is the Grade II Listed Holly House and to the south 54 Church Street, also Grade II Listed. These properties are stone properties, set back from the public highway and the application site. Subject to the materials used in the construction of the proposed dwelling being sympathetic to this historic area of Broughton then the proposal is not considered to have an unacceptable impact on the significance or setting of locally Listed Buildings in accordance with policy 12 of the NPPF and 13 of the CSS.

### 3. Character of the area and design

The application site lies within the proposed emerging Broughton Conservation Area, this document identifies this site as having stone boundary walls of significance; the site provides views to the Church; and this is a potentially important green space within the Conservation Area.

The emerging Site Specific Proposals LDD (SSPLDD) – Options paper identifies this site as Historically and Visually Important Open Space (HVI). These HVI open spaces are considered to provide the setting, form or character for a particular settlement, its Conservation Area or Listed Buildings. The site was also considered as a potential allocation for housing but was discounted due to its potential impact on the setting of St Andrews Church.

Both the Broughton Conservation Area Appraisal and Site Specific Proposals are material considerations in the determination of this application, although as emerging documents have limited weight. It is unfortunate that this proposal would result in the loss of a stone boundary wall to the front boundary of the site. However, this is

considered to be either the remaining fabric of the cottages which stood on this site or a stone retaining wall dated later than the Listed Church and therefore not a curtilage Listed structure. The proposal through its siting adjacent to the public highway would follow the pattern of development of the majority of historic buildings in Broughton, also identified in the emerging Conservation appraisal. To set back this dwelling would reflect some of the more modern, unsympathetic development in this area. The quality of this open space is undermined as it is often overgrown with limited vegetation therefore not contributing to the character of the area, a well designed scheme, such as the one shown, which replicates in design and materials that of the cottages previously located on this site and the surrounding area would have a positive impact on this historic part of Broughton. Provided that the ground levels for the proposed development are at street level, to be secured by condition, it is considered that this site would not have a detrimental impact on the significance or setting of the Church and is located within the settlement boundary, where development is considered acceptable.

The design is such that one dwelling appears to reflect the row of cottages that previously stood on this site. The one and half storey element to the side of the cottages replicates the rural form of this part of the village, in terms of being a barn attached to the cottages. Provided the materials to be used in the construction of the proposal are sympathetic to the Conservation Area i.e. natural, traditional materials including ironstone and Welsh slate, the detailing such as chimneys, lintels and cills are conditioned and windows and doors are timber with details including glazing to be submitted then the proposal would actually enhance this area and the street scene.

#### 4. Amenity

The proposal is sufficiently distanced from all other surrounding neighbouring properties so as not to have an impact on their amenity. The dwellings close proximity to the Church would be obvious to anyone wishing to occupy this dwelling and it is considered that the use of the Church either for worship or other community activities is not a reason to refuse planning permission in this instance. The proposal is therefore considered in accordance with policy 13 of the CSS.

#### 5. Highways and access

The proposed access is considered sufficient, with adequate parking and turning within the application site. Provided the necessary pedestrian visibility is secured by condition where the access meets the public highway then the proposal is considered acceptable in terms of its impact on highway safety in accordance with policy 13 of the CSS.

The PCC raise concern about additional activities at the Church resulting in a requirement for additional on-street car parking and pedestrian movements associated with the Church. Although, the presence of the proposed access to the site will potentially remove one

or two car parking spaces from the street, the large area for parking and turning proposed for this new dwelling should not, other than in exceptional circumstances, result in a requirement for on-street parking. The proposal is a good distance from other neighbouring properties therefore a good amount of on-street car parking would remain to the benefit of the Church. As outlined above the proposal is considered in accordance with policy 13(n) of the CSS.

#### 6. 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.

#### 7. 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.

#### 8. Other matters

The Broughton Parochial Church Council (PCC) has raised concerns with regards to foundations and trees and the need for indemnity in perpetuity with regards to these matters. These matters are not material planning considerations and therefore have not been taken into consideration in the determination of this application. However, a condition has been applied to repair any damage to stone boundary walls in matching or like for like materials as it is recognised that these contribute to the character of the area and the setting of the Church. The PCC would indeed be consulted if there were any further applications made for development on this site.

### Conclusion

The proposal is considered to enhance the character of the Conservation Area, subject to conditions, regarding materials and levels and is a good design which would make a positive contribution to the street scene. The proposal is therefore considered in accordance with policies 7, 11 and 12 of the NPPF, policies 1, 10, 13 and 14 of the CSS and policy RA3 of the Local Plan for Kettering Borough.

#### **Background Papers**

Title of Document:

#### **Previous Reports/Minutes**

Ref:

Date:  
Contact Officer:

Date:  
Rebecca Collins, Senior Development Officer on 01536  
534316