

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 27/08/2013</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Anne Dew Senior Development Officer</b>	<b>Application No: KET/2013/0054</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>12 School Lane, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Erection of 2 no. dwellings and conversion of No. 12 into 2 no. dwellings</b>	
<b>Applicant</b>	<b>Mr R Abbott</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 for the two new build dwellings, 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 (h) of the North Northamptonshire Core Spatial Strategy.

3. 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 (h) and (l) 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 preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policies 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

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

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

6. 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 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with paragraph 141 of the National Planning Policy Framework.

8. Prior to the commencement of development, a scheme demonstrating how the development will incorporate techniques of sustainable construction, energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall have been submitted to and approved on writing by the Local Planning Authority.

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

9. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

10. Prior to first use or occupation of the development hereby permitted, the means of vehicular access shall be of a minimum width of 4.5m for the first 10.0m from the Highway Boundary. That area shall be paved with a hard bound surface for the first 5 metres from the highway boundary such surfacing shall thereafter be retained. The maximum gradient over the 5 metre distance shall not exceed 1 in 15.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

11. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2 metre x 2 metres shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access/ footway level.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

12. Prior to first use or occupation of the development, the proposed vehicular access, parking and turning facilities shall not be provided other than in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

13. 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) apart from that hereby approved, there shall be no development under Class A and Class E of Part 1 of Schedule 2 of the Order.

REASON: In the interests of general and residential amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

14. Prior to the commencement of development, details of a privacy screen to the east and west elevations of the first floor terrace to number 12 School Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screen shall be constructed prior to first occupation of the development and shall thereafter be maintained.

REASON: To prevent overlooking in the interests of residential amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

15. 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 the ground and first floor elevation or roof plane of the east and west elevations of the two converted dwellings and the ground and first floor elevations of the east and west elevations of the two new build dwellings.

REASON: To prevent overlooking in the interests of residential amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

16. The three bathroom windows at first floor level on the eastern elevation of the two converted dwellings shall be glazed with obscured glass Authority and any portion of the window that is within 1.7m of the floor of the room where the window is installed shall be non openable. The window shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

17. The landing windows on the east and west elevations of the two new build dwellings shall be non-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

18. Prior to the first occupation of the two new build dwellings the window shown as bricked up on the first floor eastern elevation of the building (as shown on drawing number AB102A received on 4 June 2013) shall be bricked up.

REASON: To prevent overlooking in the interests of residential amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

19. Prior to the commencement of development, a scheme for covered cycle parking provision shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

REASON: To encourage the use of cycling in accordance with the requirements of policy 13 (e) of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2013/0054**

### **3.0 Information**

#### **Relevant Planning History**

KET/2012/0013 - Erection of 4 no. dwellings and conversion of no 12 into 2 no. dwellings. Withdrawn.

KB/72/758 Conversion to 2 flats. Approved 05.01.1973

#### **Site Description**

Officer's site inspection was carried out on 07/02/2013.

Number 12 School Lane is currently occupied by a large two storey semi detached dwelling which benefits from a large garden with a wide side garden which faces onto School Lane. There is an existing gated vehicular access from School Lane which serves the dwelling.

Residents car parking is available on the northern side of School Lane, with double yellow lines in place on the southern side.

School Lane comprises a mix of residential dwellings and community uses, including a day centre and a church. Properties to the north, east, south and west are all in residential use. School Lane is characterised by two storey terraced dwellings with bay window features. Six new terraced dwellings have been built immediately to the east of the application site and to the rear is a large car park which serves the new flats which have been built and served off Carrington Street.

#### **Proposed Development**

The scheme was originally submitted for the conversion of no 12 School Lane into two flats and the erection of 4 dwellings on garden land to the east. Following discussions with the applicant, the scheme now comprises the conversion of number 12 School Lane into two dwellings and the erection of 2 dwellings.

Number 12 School Lane will be converted vertically, creating a two bedroom dwelling in the front portion of the building and a one bedroom dwelling in the rear part of the building. Alterations are proposed to window and door openings to the building.

Two dwellings are proposed within the side garden to the east of the dwelling and will front onto School Lane. Each of the proposed dwellings will have two bedrooms. Two parking spaces are proposed to serve the development, with vehicular access from School Lane.

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

None.

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

**Highway Authority** No objections to revised plans

**Environmental Health** No objections subject to conditions covering contaminated land and working hours for construction sites.

**NCC Archaeological Officer** No objections subject to a condition requiring an archaeological programme of works.

**Neighbours** Two third party representation. Objections are on the grounds of:-

- Security issues with changes in boundary treatment
- Implications for rights of access for no. 11 School Lane and consequential security implications
- Query if entry from School Lane will be controlled by gates
- Loss of privacy from changes in boundary treatment, creation of new access
- Plans do not show an outbuilding. Access to this area is required to clear drainage blockages and gaps in the boundary treatment would need to be filled in
- Existing drainage problems on School Lane will be exacerbated
- Overlooking from the roof garden
- Insufficient car parking

#### **5.0 Planning Policy**

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

Policy 6 Delivering a wide choice of high quality homes

Policy 7 Requiring good design

Policy 12 Conserving and enhancing the historic environment

##### **Development Plan Policies**

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

Policy 1 – Strengthening the network of settlements

Policy 7 – Delivering housing

Policy 9 – Distribution and location of development

Policy 10 – Distribution of housing

Policy 13 – General sustainable development principles

##### **Local Plan**

Policy 35 Housing within towns

##### **SPGs**

Sustainable Development



## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on Residential Amenity
3. Design and Impact on Street Scene
4. Parking and Highway Safety Implications
5. Archaeology
6. Sustainable Development
7. Comments on other points raised by proposal

### 1. Principle of Development

Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy seek to locate housing development within the growth town of Kettering. The application site is located within the town boundary of Kettering, as defined by saved policy 35 of the Local Plan and as such the principle of development is considered acceptable.

### 2. Impact on Residential Amenity

Policy 13 (l) of the North Northamptonshire Core Spatial Strategy requires that developments do 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.

It is not considered that the two new dwellings proposed will give rise to any adverse amenity implications to either occupants of number 12 School Lane or other adjacent dwellings in respect of overshadowing, overbearing impact and overlooking. The two new build dwellings have been sited in line with the front and rear building lines at number 13 School Lane to the east and there are no side windows in place on the western elevation of number 13 School Lane which will be affected. Accordingly, it is not considered that any adverse overshadowing or overbearing impact will result to either the private garden areas serving number 13 School Lane and habitable room windows to the front and rear of the dwelling. A landing and toilet window are proposed in the eastern side elevation of the dwellings, to ensure no direct overlooking will result into number 13 School Lane a condition is recommended requiring that the windows be top hung and obscure glazed. It is not considered that the changes to no 12 School Lane itself will result in any implications in respect of overbearing impact, overshadowing or overlooking given there is a separation distance of 13 metres between the building and the shared boundary with number 13 School Lane.

It is not considered the two new dwellings proposed will give rise to any

adverse impact to the residential amenity of occupiers of number 11 School Lane as the new dwellings will be largely obscured by the existing two storey building in place at number 12 School Lane.

It is considered that properties on the northern side of School Lane are located sufficiently far away from both the building being converted and the two new dwellings not to result in any adverse implications for residential amenity in respect of overlooking, overshadowing or overbearing impact. There is also considered to be sufficient separation distance (approximately 13 metres at its closest point) between the two new dwellings and the dwelling to be converted not to result in any adverse overbearing impact, overshadowing or overlooking.

The scheme provides for a satisfactory arrangement between the conversion and the two new build dwellings not to compromise the residential amenity of future occupiers. A toilet window and landing window are proposed on the western elevation of the two new build dwellings. To ensure no overlooking results, a condition is recommended requiring these windows be top hung and obscure glazed.

Alterations proposed to number 12 School Lane will ensure there are no habitable first floor windows on the eastern side elevation looking towards the two new dwellings. The scheme involves the bricking up of one first floor window on this side elevation and this can be secured by condition. The remaining three first floor windows on this eastern side elevation serve bathroom and these can be restricted to obscure glazed, top hung windows to prevent overlooking. There is an existing first floor terrace to the rear of number 12 School Lane, to ensure no overlooking results into the private garden areas of the two new build dwellings and into number 11 School Lane, privacy screening will be required, details of which can be secured by condition.

The proposed access to the site will run immediately adjacent to ground floor habitable room windows on the eastern elevation of number 12 School Lane. The frontage dwelling has a kitchen and a dining room window that look directly onto the access road and the dwelling to the rear of number 12 has a ground floor living room window which looks directly onto the access. Whilst some noise and disturbance may be experienced to the occupiers of these dwellings from cars using this access, it will only serve 2 car parking spaces: The existing occupier is proposing the alteration, and future potential occupiers will be aware of potential impact.

The scheme proposes no extensions to the existing building, thus there will be no increase in overbearing impact or overshadowing to the occupants of number 11 School Lane. No changes are proposed to the western side elevation of number 12 School Lane and existing fenestration will remain unchanged. There are no habitable room windows in place on the western side elevation of number 12 School

Lane, the only window in place is an existing window that serves an outhouse. Given this arrangement, and the provision of a privacy screen to the roof terrace which will be secured by condition, it is not considered that any adverse overlooking will result into number 12. Conditions are also recommended restricting new openings on the eastern and western elevation of number 12 School Lane.

It is considered that the size is of a sufficient size to accommodate both the conversion to two dwellings and the proposed two new dwellings to provide for a satisfactory level of amenity for future occupiers. Each dwelling is served by a modestly sized area of private amenity space which will meet the immediate amenity needs of occupiers and provide space for the storage of refuse and recycling bins. Concerns raised by third parties in respect of security can be addressed by condition.

Environmental Health have advised that further investigation work is required in respect of contaminated land as 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 use. The required investigation and remediation works can be secured by condition.

In conclusion, subject to conditions, It is considered that the scheme meets the requirements of policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

### 3. Design and Impact on Street Scene

Policy 13 (h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings.

It is considered that the size and frontage of the site is sufficiently large to accommodate the proposed two new build dwellings. The proposed two dwellings will each have a frontage width of approximately 4.5 metres which is not dissimilar to other terraced dwellings within the street. The scheme also provides for a gap of 4.55 metres between the existing dwelling at School Lane and the new dwellings which ensures the new build dwellings sit comfortably within their plot and do not create a cluttered appearance within the street scene.

The design and size of the two new build dwellings are considered to be appropriate to the street scene. The scheme provides for two storey dwellings, which have an eaves and ridge height similar to other dwellings within the street scene. The design of the dwellings reflects the design of the terraced dwellings immediately to the north of the site incorporating ground floor bay window features and fenestration with a vertical emphasis. Subject to a condition requiring materials samples to

be submitted for approval, it is considered that the new build dwellings will be in keeping with the area and meet the requirements of policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

Only minor alterations are proposed to number 12 School Lane and the front elevation of the property will remain unaltered. Subject to the use of matching materials, which can be secured by condition, it is considered that the conversion into two dwellings will not have any harmful impact on the character of the area.

#### 4. Parking and Highway Safety Implications

Policy 13 (d) and 13 (n) of the North Northamptonshire Core Spatial Strategy require 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 and will not prejudice highway safety.

The scheme proposes a vehicular access which will serve two car parking spaces within an existing detached garage to the rear of the site. Highways have been consulted on the scheme and raised no objections to the new access and parking arrangements, subject to conditions.

Concern has been expressed by third parties about the lack of car parking proposed and the increase in pressure there will be for on street car parking. Highways have raised no objections to this, given that there is existing residents parking available on School Lane and the site is located close to public car parking available on School Lane. In addition to this, the site is located within 110 metres of the town centre boundary in a very accessible location both in terms of walking, cycling and public transport. For these reasons, it is not considered that the development will give rise to any adverse implications for highway safety and is in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

#### 5. Archaeology

Policy 13 (o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance historic landscape designated built environment assets and their settings.

Northamptonshire County Council Archaeological Officer have been consulted on the application and advised that that survey work has indicated the presence of medieval closes and it is possible that peripheral related activity has survived. To ensure the development will not have any detrimental impact upon any archaeological deposits present, provision needs to be made for the investigation and recording of any remains that are affected. This investigation and recording can be secured by condition and as such the scheme meets the requirements of policy 13 (o) of the North Northamptonshire Core

Spatial Strategy.

#### 6. Sustainable Development

Policy 14 (b) of the North Northamptonshire Core Spatial Strategy requires that developments should demonstrate the development incorporates techniques of sustainable construction and energy efficiency; there is provision for waste reduction and recycling and there is provision for water efficiency and water recycling.

The applicant has submitted a Sustainability and Energy Statement in support of the application. This Statement includes general information on techniques will be used, however no specific detail has been provided. To meet the requirement of policy 14 (b) this matter can be dealt with by condition.

#### 7. Comments on other points raised by proposal

Concern has been expressed by a neighbour regarding existing drainage problems they are experiencing with their drains as well as problems with drainage on School Lane. With respect to drainage on the highway, conditions are recommended which set out the required gradients of the access road to ensure rain water does not drain onto School Lane. Drainage issues associated with the development will be dealt with under Building Regulation Approval. Plans submitted with the application show the retention of the existing outbuilding.

#### Conclusion

The scheme is considered to be in accordance with national and local policy. The scheme provides for an acceptable design and subject to conditions will provide for an acceptable amenity for future occupiers and occupiers of nearby dwellings and raises no adverse highway safety implications.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

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

Ref:

Date:

# SITE LOCATION PLAN

12 School Lane, Kettering  
Application No.: KET/2013/0054



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