

BOROUGH OF KETTERING

Committee	Full Planning Committee - 23/09/2014	Item No: 5.2
Report Originator	John Hill Development Officer	Application No: KET/2014/0051
Wards Affected	William Knibb	
Location	Lamb And Holmes Solicitors, West Street, Kettering	
Proposal	Full Application: Conversion of nos.10 and 12 West Street into 6 no. dwellings. Erection 4 no. dwellings.	
Applicant	Lamb and Holmes	

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 a S.106 OBLIGATION being entered into, and to the following conditions:-

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 materials, including headers and cills and roofing materials, windows, doors and roof lights 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. Notwithstanding the submitted details no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The works approved shall be carried out in accordance with an implementation programme to form part of the aforementioned planting scheme. 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.

4. Notwithstanding the submitted details showing a new close boarded fence on the southern boundary of Plot 2 on drawing no. 508/10D details of a new brick wall in lieu of the fencing shall be erected and details including materials and copings at a scale of no less than 1:5 and a sample panel of materials and mortar joints shall be submitted/shown to the Local Planning Authority for written approval. Thereafter the approved wall details shall be erected prior to the first occupation of the plot they relate to and retained thereafter.

REASON: To safeguard both the setting of the listed building and the character and appearance of the conservation area in compliance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. 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 south elevation or roof plane of the dwelling on Plot 1, the south elevation and roof plane of the dwelling on Plot 2, the east elevation and roof plane of the dwelling on Plot 5, east and north elevations and roof plane of Plot 6 and the west elevation and roof plane of the dwelling on Plot 7.

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

6. The window on the southern elevation at first floor on the dwelling on Plot 2 and the roof light in the west facing roof plane of the dwelling on Plot 7 shall be glazed with obscured glass prior to the first occupation of the dwellings on these plots in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in compliance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority. The Statement shall detail the following:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works;
- design of construction access;
- hours of construction work;
- measures to control overspill of lighting from security lighting.

The approved method statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

8. 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 conditions A to C 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 in compliance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to the commencement of development hereby approved an up to date Environmental Noise Survey and Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include recognition of the varying proximity of the different parts of the development to the town centre. Thereafter any approved measures shall be implemented in full prior to the first occupation of the respective residential unit and retained in perpetuity.

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

10. Prior to the commencement of the construction of the dwelling on Plot 1 details of the boundary wall including materials and copings shall be submitted on a plan at a scale no less than 1:5 along with a sample panel of the materials and mortar joints for the written approval of the Local Planning Authority. Thereafter the approved wall details shall be erected prior to the first occupation of the dwelling on Plot 1 and retained thereafter.

REASON: To safeguard the character and appearance of the conservation area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy

11. Notwithstanding the submitted plans details of all the verge and eaves of the new build dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwellings shall be constructed wholly in accordance with the approved details.

REASON: To safeguard the character and appearance of the conservation area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. Notwithstanding the submitted plans all windows in the new build dwellings shall be recessed in accordance with detailed plans at a scale no less than 1:20 that shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of the new build dwellings. Thereafter the windows shall be installed wholly in accordance with the approved details.

REASON: To safeguard the character and appearance of the conservation area in accordance with policy 13 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) no building, structure or other alteration permitted by Class A, B, C and H of Part 1 of Schedule 2 of the Order shall be erected, constructed or made on the new build dwellings or within their curtilage.

REASON: To safeguard the character and appearance of the conservation area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0051

3.0 Information

Relevant Planning History

KET/ 2014/0059 Application for listed building consent for internal and external alterations to 10 and 12 West Street associated with this planning application.

Under consideration – to be determined under delegated powers as no objections. Any approval to be issued at same time as this application if planning permission is granted.

Site Description

Officer's site inspections were carried out on the 9th January 2014 and the 3rd February 2014.

The site lies at the western end of West Street and consists of the two properties, 10 and 12 West Street and their associated grounds and car parks. They are currently occupied as a solicitors office and have been for many years, but were originally built as residential properties. Both properties are grade II listed and date back to the 17th and 18th centuries. A listed building application has been submitted along with this application. It is expected to be determined under delegated powers as there are no objections to the application. If consent is granted then both decision notices will be issued together as the two applications are inter-related.

West Street itself is somewhat unusual in lying just off the town centre having a relatively peaceful environment primarily as a result of the fact a row of terraced residential cottages sit on the southern side. Commercial properties are found at the eastern end of the street where it meets Market Place where the Royal Hotel dominates the entrance.

Westfield House separates the two properties with 10 West Street sitting to the north thereof and 12 West Street to the south. Residential properties in Saunders Close adjoin the southern boundary of 12 West Street with Westfield Gardens to the west.

Hard surfacing in the form of car parking dominates both the front and rear of the two properties with the only exception being the attractive walled garden to the front and rear of western end of 10 West Street.

The site lies within Kettering Conservation Area and the existing dwellings on the south side are covered by an Article 4 Direction.

Proposed Development

The proposal in its widest sense is to cease the office use on the whole of the site and replace it with a residential use in the form of conversion of existing buildings and new build.

It consists of 4 distinct elements:

- i) the conversion of 10 West Street into 1 x 6 bed house, 1 x 3 bed house and 1 x 2 bed house.
- ii) the conversion of 12 West Street into 1 x 3 bed house, 1 x 1 or 2 bed ground floor flat and 1 x 2 bed first floor flat.
- iii) The erection of 4 new dwellings; 3 x 2 bed houses (1 pair of semis and 1 detached) on the existing car park to the east of 10 West Street and 1 x 2 bed terraced house forming a continuation to the western end of the existing terraced houses on the south side of West Street.
- iv) The car parking layout to serve the development.

Accompanying the application are a Design and Access Statement, an Historic Building Appraisal, an Environmental Noise Survey and Impact Assessment, a Secondary Glazing and Acoustic Ventilation Systems Assessment and a Geotechnical Assessment.

Any Constraints Affecting the Site

The development relates 2 grade II listed buildings and is within Kettering Conservation Area
Article 4 Direction on existing houses in West Street

4.0 Consultation and Customer Impact

County Highways – Content with the parking provision. Require the applicant to pay for new double yellow lines on part of the north side of West Street to complement those already in place on the south side. This is to ensure that there is width available to cope with 2 - way traffic.

Northamptonshire Police – No formal objection in its present form. Suggest informatives are included which will reduce likelihood of crime, disorder and anti social behaviour in accordance with Policy 13 of the NNCSS. These include achieving Secured by Design; all entry/exit doors should achieve Pas 23/24 2007 or equivalent standard, windows on new build where possible meet BS7950 or Pas 24 standard; ground floor glazing should be laminated to P1A standard and unadopted areas as well as adopted areas are lit for safety and security reasons.

Environmental Health – Comment on submitted noise survey. Shows potential that residents could suffer from disturbance from proximity to town centre Recommend new noise survey as one undertaken is from 2010/11. If one is not then suggest development takes place within a shorter timescale to preserve the integrity of the report. Recommends conditions to address contamination and construction method statement.

Neighbouring residents – 5 nearby residents have submitted representations. 2 objecting to the scheme, one making comments, one expressing concerns and finally one raising a number of queries on certain aspects of the proposal.

The objections are from a resident of West Street whose property would adjoin the proposed dwelling to form the continuation of the existing terraced properties in West Street and a resident in Saunders Close which is to the south of 12 West Street.

Their objections cover the following points:

- outright objection to the proposed dwelling on plot 1
- will have an adverse impact on the conservation area
- the design of the house will not be in keeping with the other terrace houses, will look like an 'add on'
- material not specified, will be difficult to match existing
- impact on privacy, overshadow shared rear garden with nos 15, 16 and 17
- change the status of 14 West Street from end terrace to mid terrace
- plans incorrect, not showing enough detail
- if approved will cause dispute between no.14 and Lamb and Holmes (applicant)
- alternatives should be considered
- overdevelopment resulting in traffic congestion
- exacerbate existing parking problems
- existing highway in poor condition
- no provision for residents parking
- increase in traffic noise
- building at rear of Royal Hotel in dangerous state
- development will adversely impact on 'peaceful end of life' housing in Saunders Close
- disruption from building work, increased traffic and housing with families with children
- no thought given to the elderly residents of Westfield House and The Lawns, Saunders Close/George Street.
- emergency vehicles already have difficulty negotiating West Street.

Concerns are expressed from a resident of Westfield House relating to traffic congestion. Ambulances regularly visit Westfield House along West Street which is too narrow and therefore makes it hazardous for existing residents. There are existing parking problems and no turning area at the end of the road.

A second resident of West Street has made the following comments:

- a new end terrace property will seriously compromise the character of the historic terrace and conservation area as a whole.
- insufficient details on the plans, how will rainwater be accommodated for 14 to 17 and how the buttress to no.14 be dealt with.
- shared garden of 14 to 17 could suffer loss of light and loss of view
- not against the other development although new residents will lead to an increase in night time traffic.

Finally a second resident of Saunders Close has raised a number of questions as to how the development may affect her property. (These have been responded to and acknowledged)

Responses to reconsultation on revised parking scheme and minor changes to elevations and plot arrangement of dwellings

All previous consultees were consulted and only one response was received from an additional resident of West Street making the following comments:

- the proposed additional terraced house adjoining West Street will be in keeping with the area with regard to materials used but will ultimately stand out as an addition, detrimental to the character of the terrace which local residents hold dear. Should not be in the Council's interest to support this type of development when there are alternative places an additional house can be provided.

Planning Policy

National Planning Policy Framework (NPPF)

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 12 Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy (NNCSS)

Policy 13 General Sustainable Development Principles.

Kettering Town Centre Area Action Plan 2011 (KTCAA)

Policy 21 The New Residential Quarter

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The issues for consideration in this application are:-

1. Principle of development
2. Scale of development
3. Layout of development
4. Design of development
5. Noise disturbance for future residents
6. S106

1. Principle of development

The site is an existing developed site sitting within the urban core of Kettering. It is located within the 'New Residential Quarter' as identified in the Kettering Town Centre Action Plan 2011. Policy 21 of the Plan relates to Development sites and opportunities which states:

The principle role of this quarter will be to deliver residential led regeneration. Development will reintegrate the area into the town centre and provide a residential population to support and complement the redevelopment of other town centre sites, particularly the nearby retail intensification in the Shopping Quarter'

The proposal to both convert the existing buildings and introduce a degree of residential new build is compliant with this policy and hence the principle of the development is acceptable.

As the site is also located in a conservation area and relates to one occupied by listed buildings S16(2) and S72 of the Planning Listed Buildings and Conservation Areas Act 1990 need to be noted: respectively they require that special regard must be had to preserving the architectural and historic interest of a heritage asset and preserve or enhance the character of a Conservation Area.

2. Scale of development

The scale of the development proposed is considered acceptable. The site contains two substantial buildings which sit in relatively generous grounds for what is a town centre location. This is fundamentally because of the date of the buildings and the fact they were originally built as a group of substantial residences in their own grounds. Their substantial size makes them suitable for what in effect will be a return to residential use.

Added to this there are large open areas associated with the buildings that are currently used for car parking and which have the capability of accommodating the proposed 4 new dwellings without the site appearing over developed nor have an adverse impact on the setting of the listed properties or the character and appearance of the conservation area.

The proposal is therefore compliant with Policy 13h and i of the NNCSS.

3. Layout of development

10 West Street

It is proposed to convert this property into 3 dwellings. The most substantial property is to be a 6 bed unit over 3 floors that will occupy virtually the entire western half of the current building and has substantial walled gardens to the front and rear. The dwelling will be served by a double car port, the rear of which can be accessed from the rear garden, and is to be located in the adjoining new build area.

Adjoining this and taking up the central part of the building is to be a 3 bed dwelling over two floors. This will have a small sunken courtyard garden to the rear beyond which will be the gable end of the aforementioned car port and to the front a new soft landscaped area that will replace an existing parking area. Access to the rear garden will be obtained from the new build area where a single dedicated parking space will be located. There is an existing first floor extension which projects outwards leaving a void at ground floor beneath. This is to be filled in with materials to match the existing and will have a new door and windows as part of it which again will match the existing. This is considered acceptable.

Finally the eastern end of the building is to be a third dwelling, a 2 bed unit over two floors. This also is to have a small courtyard garden to the rear that is to be accessed from the new build area and within which will be a single dedicated parking space. Associated with this conversion is a new soft landscaped area which will replace the existing car park to the front.

There is to be minimal external alteration to the building associated with the conversion of no.10 and an improvement in the external appearance to the front of the building. This will enhance both the setting of the listed building and the character and appearance of the conservation area. Additionally there will be no adverse impact on the amenity of any existing neighbouring residential occupiers which in relation to no.10 is Westfield House to the east

12 West Street

It is proposed to convert this property into 1 dwelling and 2 flats.

The southern half of the building is to be converted to a 3 bed dwelling over two floors. The works are to include some external alterations to existing openings and a small single storey rear extension with a mono pitched roof over to be in materials to match the existing. This will result in the loss of one of the openings forming what was originally a stable and an adjoining second opening is to be closed off with a part new wall and part French windows. Whilst this is a relatively historic part of the building in the context of converting the building to a dwelling it is sympathetic to the existing building and is considered acceptable.

The relatively large existing hard surfaced car park to the rear will become the rear garden of this dwelling and it will be served by an integral single garage. A new 2 high close boarded fence is to be erected between this property and the 2 flats discussed below.

The northern part of the building is to be converted to two flats. At ground floor a 1/2 bed flat is to be created which will have a relatively large rear garden. This includes an area of land that has been purchased from the adjoining land owner and which is to be defined by the erection of a 2m high brick wall.

Externally a pitched/flat roof over an existing rear element of the building is to have a new fully pitched roof constructed and a rear opening is to be slightly reduced. At first floor is to be a second 2 bed flat making use of the existing accommodation with some small internal adaption but no external changes. In terms of parking to serve the flats an existing open vehicle entrance in the building is to be converted into an open/covered parking space and additional 3 unallocated parking spaces are to be provided in the proposed parking area in front of the aforementioned proposed dwelling at no.12.

As a result of the proposed conversion of no.12 it is considered there will be no adverse impact on the amenity of any existing neighbouring residential occupiers which in relation to no.12 is Westfield House to the north and Saunders Close to the south. The setting of the listed building will not be harmed and the character and appearance of the conservation area will be enhanced.

Proposed new dwellings

4 new dwellings are proposed in two distinct locations.

An end of terrace property is proposed to form a continuation to the existing terrace of houses on the south side of West Street. This is to be a 2 bed unit with a small walled garden to be sited on the existing parking area. It would be served by one of the unallocated parking spaces to be provided in the adjacent parking area. Historically a property did exist here but burnt down. In layout terms having regard to the neighbouring form of development this is considered acceptable.

Objections and comments have been received from three nearby residents of West Street the nature of which is that the proposed dwelling would have an adverse impact on the character and appearance of the conservation area. These are discussed in the Design section of the report set out below.

The remaining 3 proposed dwellings are to be located in a 'mews' type arrangement on land situated between and to the rear of 10 West Street and the rear of the Royal Hotel currently used as a car park owned and used by the existing occupier of the site. Historically there were cottages

on the frontage of this side of West Street and the area where the 3 dwellings are proposed was garden.

The proposal is for 3 two storey 3 bed dwellings to sit adjacent to the boundaries of the site. A pair of semi detached to sit adjacent to the eastern and northern boundary and a detached sitting adjacent to the western boundary which is shared with the rear garden of the proposed 6 bed dwelling at 10 West Street. This property would have attached to it the aforementioned double car port serving the 6 bed dwelling. This will be a single storey structure with a pitched roof over.

Each of the 3 dwellings has its small garden area and dedicated single parking space. They are to be accessed via the existing private vehicle access off West Street which will also accommodate, as mentioned above, the dedicated parking for the two other dwellings to be provided in 10 West Street as well as there being an additional visitor parking space.

4 parking spaces are to be retained at this entrance point on West Street. They exist at the present time, and will continue to do so in any new scheme, and are safeguarded for use by the occupiers of 3 rented properties on the south side of West Street. The owner of these properties owning the 4 parking spaces.

In layout terms the 3 dwellings and the associated development serving them is considered acceptable. It will positively contribute to the character and appearance of the conservation area and will not have an adverse impact on the setting of the listed 10 West Street. There are no existing neighbouring residents that will be affected by this part of the scheme and the relationship to the neighbouring proposed development is considered acceptable.

Having regard to the request of the Highway Authority to fund the provision of double yellow lines on the north side of West Street this is not a matter that can be legitimately pursued through the planning process as it lies within their own powers to impose this if they wish.

The proposal is therefore compliant with Policy 13h, i and l of the NNCSS.

4. Design of development

10 & 12 West Street

In design terms externally there are no significant alterations to the existing buildings. There is small single storey extension proposed to the rear elevation of 12 West Street and a change to a roof on an existing single storey rear element again on no.12. Additionally there are only a small number of alterations to existing openings but these are sensitively addressed. Consequently in design terms there are no objections to the proposed conversion of nos.10 and 12 West Street.

Proposed dwellings

The single dwelling forming an extension to the existing terrace of dwellings in West Street is sensitive in design terms and has attracted an objection and comments from two nearby residents. They fundamentally consider the dwelling should not be approved as the introduction of a property which seeks to copy the design of existing properties in the terrace will have a harmful effect on the character and appearance of the conservation area.

This is not accepted. It is considered there is sufficient space to provide a dwelling in this location and as mentioned above there was a terraced property on this plot until it burnt down albeit many years ago. Therefore if in layout terms a dwelling is acceptable the appropriate design solution would be to seek to match the existing design of the current properties. Concerns have been made regarding being able to match materials but it is considered that if a condition is attached to any consent to approve samples first an acceptable dwelling can be delivered in appearance terms and not have an adverse impact on the character and appearance of the conservation area or the setting of the neighbouring listed buildings.

Objections have also included the potential loss of light and privacy if this particular dwelling were approved. It is not considered this would be the case having regard to the positioning of the dwelling in relation to the neighbouring properties and a condition could be attached preventing any openings in the rear elevation or roof plane.

Having regard to the 3 dwellings in the 'mews' court they are to be of a contemporary cottage style design which is considered acceptable in this location having regard to the overall mix of buildings in the wider area. There will be a need to attach conditions to any permission preventing openings in certain elevations and insert obscure glass in certain windows to prevent overlooking.

The proposal is therefore compliant with Policy 13h, i and l of the NNCSS.

5. Noise disturbance for future residents.

As a result of the proximity of the site as a whole to the town centre and in particular certain venues where breakout music may be audible an assessment of Music Noise Levels (MNL) has been undertaken and submitted with the application. This was dated June 2011. This concluded that audible MNL is unlikely to have an adverse impact on the residents of the future proposed residential units especially if suitable glazing and ventilation is used to mitigate any potential noise disturbance. The proposal as it relates to 10 and 12 West Street is to install secondary glazing in all windows. It is considered that this is not necessary based on the submitted information and a more up to date assessment is required as set out below.

Environmental Health in their consultation response were concerned at the age of the survey i.e. June 2011 and advised that a new more recent one be undertaken. They added that if a more recent one was not to be undertaken then the development should proceed relatively quickly to preserve the integrity of the report. This is unlikely to happen. The applicant still occupies the site and it is understood has no immediate plans to vacate it, added to which they would not be the developer so any date as to its possible development if planning permission (and listed building consent) were granted is likely to be some time in the future. Added to this the listed building application proposes an internal acoustic glazing system for every window in the listed building which seems excessive when you consider how far 10 and 12 West Street in particular are away from the Town Centre. Some of the residential units proposed, especially those at the bottom of West Street, may not need any specifically designed acoustic glazing. In such circumstances it is considered appropriate to attach a condition to any permission requiring the submission of a further detailed noise assessment to be undertaken nearer the time when any development may take place and for it to assess more thoroughly the needs for acoustic safeguards at different locations within the development.

6. Section 106

The application in proposing 10 residential units in a town centre location has given rise to a request from Community Services of a total contribution of £2247 to be secured by way of a S106 agreement based upon the Council's Approved Open Space Calculator. The figure is made up of a number of individual contributions supporting identified projects in the vicinity of the site, including: Westfield Gardens; Kettering Pocket Park; Hilly Hollies; Meadow Road Play Area; the Athletics Track; Northfield Avenue Allotments and London Road Cemetery.

Initial discussions have taken place with the applicant who has agreed to enter into the agreement.

Conclusion

The proposed development is compliant with the relevant policy of the Development Plan. It is therefore recommended that planning permission be granted subject to conditions and the signing of the associated S106 agreement and that the decision notice not be issued until such time as the application for listed building consent is determined under delegated powers and issued at the same time as that consent.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

John Hill Development Officer on 01536 534316

