

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 18/11/2014</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>John Hill Development Officer</b>	<b>Application No: KET/2014/0051</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>Lamb And Holmes Solicitors, West Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Conversion of nos.10 and 12 West Street into 6 no. dwellings. Erection 4 no. dwellings.</b>	
<b>Applicant</b>	<b>Lamb and Holmes</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 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 the following have been submitted to and approved by the Local Planning Authority: samples of the types, colour and texture of all external facing materials, including headers and cills and roofing materials, window and , door joinery and (conservation) roof lights which shall be fitted flush with the external surface of roof plane. In relation to proposed Plot 1, the facing brick to be used shall be Ibstock Commercial Red and laid with a lime mortar mix in accordance with a sample panel that shall have been first shown to and approved by the Local Planning Authority. REASON: To safeguard the character and appearance of the Kettering Conservation 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.

## **Updated Officers Report for KET/2014/0051**

### Considerations

This application was reported to the Planning Committee on the 23<sup>rd</sup> September 2014, a copy of the report is appended. The application was deferred to allow further consultation with the applicant regarding building materials to be used for Plot 1, in particular there was concern regarding being able to find a suitable matching brick.

Plot 1 is the new end of terraced property proposed to be constructed adjoining the existing terrace of houses on West Street. Members considered that the choice of materials was critical for this dwelling having regard to its relationship to the existing properties in West Street in particular the end properties at the western end which the proposed dwelling would adjoin.

Officers have looked at a number of bricks sourced by the applicant including reclaimed Kettering bricks, of which the required number could not be obtained and have identified one that is considered suitable. This is an Ibstock Commercial Red which has been assessed at on site and compared to the neighbouring brick that it is to match and found to be suitable in terms of colour and texture and should be applied with an appropriate lime mortar.

An addition to Condition 2 of the recommendation to any planning permission is now required to identify the brick (and mortar to be used for the proposed dwelling referred to as Plot 1. ie

### Revised Condition 2:

No development shall commence on site until the following have been submitted to and approved by the Local Planning Authority: samples of the types, colour and texture of all external facing materials, including headers and cills and roofing materials, window and , door joinery and (conservation) roof lights which shall be fitted flush with the external surface of roof plane. In relation to proposed Plot 1, the facing brick to be used shall be Ibstock Commercial Red and laid with a lime mortar mix in accordance with a sample panel that shall have been first shown to and approved by the Local Planning Authority.

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

It should also be noted that the roof material is natural Welsh slate and can still be readily sourced. A sample of this will be submitted for approval through condition 2 on the appended report.

### Recommendation

It is therefore recommended that planning permission be granted in accordance with the appended report with the addition of the revised planning condition set out above.

**Background  
Papers**

Title of Document:

Date:

Contact Officer:

**Previous Reports/Minutes**

Ref:

Date:

John Hill, Development Officer on 01536 534316