

BOROUGH OF KETTERING

Committee	Full Planning Committee - 25/08/2015	Item No: 5.5
Report Originator	Louise Jelley Senior Development Officer	Application No: KET/2015/0338
Wards Affected	William Knibb	
Location	Gladstone Street, Kettering	
Proposal	Full Application: Demolition of builders yard and construction of 1 no. dwelling	
Applicant	Mr T Gaziano Derwent Builders,	

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: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. 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: A contamination survey prior to commencement is necessary to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 11 of the NPPF and 13 of the CSS.

4. The window at first floor level within the rear elevation and the window within the roof space within the side elevation shall be glazed with obscured glass 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 neighbouring properties and to prevent overlooking in accordance 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) (England) Order 2015 (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 or E of Part 1 of Schedule 2 of the Order shall be made on the application site.

REASON: To maintain a satisfactory level of amenity space and to protect the visual appearance of the development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The development hereby permitted shall not be carried out other than in accordance with the amended plan number 690-09/02 Rev G received 28th July 2015.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall 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 energy efficiency and sustainable construction in accordance with policy 14 (b) of the North Northamptonshire Core Spatial Strategy.

8. The private outdoor amenity space comprising patio and bin storage area as shown on amended plan 690-09/02 Rev G dated 28th July 2015 shall be retained in accordance with the approved details.

REASON: In order to retain sufficient, private outdoor amenity space for future occupiers of the dwelling and for reasons of highway safety in order to prevent inadequate and unsuitable off road parking provision in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. In relation to the construction of the development hereby permitted; no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the following hours:

MON - FRI 0800 - 1800

SATURDAY 0830 - 1330

Nor at any time on Sundays or Bank Holidays.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. 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 amenity and protecting the privacy of the neighbouring property in the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place on site until details of measures to be taken to prevent spoil or mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented

before the development commences and retained for the duration of the construction period.

REASON: Details of the prevention of mud or spoil on to the public highway are necessary prior to the commencement of development to prevent the transition of these materials on to the highway in the interests of highway safety in accordance with Policy 13 of the North Northamptonshire CSS.

12. Any ground floor doors or windows within the principal elevation of the dwelling facing onto Gladstone Street shall be hung to open inwards only.

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

Officers Report for KET/2015/0338

This application is reported to Committee due to an outstanding neighbour objection to the scheme.

3.0 Information

Relevant Planning History

KET/2009/0171 - Erection of 2 no. Town Houses – Withdrawn

Site Description

Officer's site inspection was carried out on various dates in April and May 2015.

This application site is situated within Kettering Town within reasonable walking distance of the town centre, shops and facilities. The site is situated within a residential area characterised by terraces of traditional, Victorian, two storey properties. The site is currently used as a Builders Yard which is set back from the road but adjacent to two existing properties, one in Gladstone Street and the other a corner property which faces onto Mill Road but backs onto the existing builder's yard in Gladstone Street.

Proposed Development

This proposal is for the demolition of the existing builder's yard on site and the construction of one dwelling.

A number of amendments to this proposal have been sought throughout the life of the application. Initially, the proposed dwelling was a double fronted, four bedroom property with no private, outdoor amenity space. Since that time, several amendments have been requested by the local planning authority due to a number of concerns relating to private amenity space provision, design, highway matters and overlooking/privacy.

The latest proposal as submitted comprises a more modest dwelling than previously submitted. It now includes provision of amenity space to the side of the dwelling and a narrower frontage which is more reflective of the design and character of the existing dwellings prevalent within Gladstone Street. The revisions have also sought to address privacy and overlooking concerns with respect to the positioning and removal of windows.

Any Constraints Affecting The Site

None.

4.0 Consultation and Customer Impact

Highway Authority

Response received 26th June 2015.

The applicant has provided a satisfactory parking review.

Conditions required:

- Prior to commencement, the applicant is to provide a drawing showing

the re-instatement of the dropped kerbs to full face kerbs and the re-grading of the footway along the frontage of the site with a ramped kerb down to the dropped kerbs at their boundary with the access for No.22 to ensure the width to access to No.22 is maintained.

- Ground floor doors and windows
- Control of mud on the highway

This application is not affected by a Public Right of Way.

Environmental Health

Response received 3rd June 2015.

No objection subject to the following conditions:

- Working hours for construction – 0800-1800 (Mon to Fri) and Saturday 0830-1330 (Saturdays) and at no times whatsoever on Sundays or Bank Holidays.
- Contaminated land investigation report.

Neighbours

Objection received from neighbouring property No.22 Mill Road. Concerns are summarised below:

- The height of the roof will reduce light into my property located at the corner of Gladstone Street and Mill Road – my patio and sun room will be the most affected.
- The lowered separating wall would reduce my privacy and security. A wall 1.8m high is easy to climb – it is insufficient to protect the security of my property from the outside. Given the fact we live in a bad area, I care for my security.
- Derwent Builders proposes to connect his waste to the same sewer that I am connected to which could cause blockages and nasty smells. A new property would overload the old, main sewer system.
- A new property will aggravate the existing car parking problems in the street.

5.0 Planning Policy

National Planning Policy Framework

Policy 4 – Promoting sustainable transport

Policy 7 – Requiring good design

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 9 – Distribution and Location of Development

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

Local Plan

Policy 35 – Within towns

SPGs

Sustainable Design

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle
2. Design and character
3. Highway and access
4. Amenity
5. Other matters

1. Principle

Paragraph 49 of the National Planning Policy Framework (NPPF) states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

This application site comprises brownfield land – a core planning principle of the National Planning Policy Framework (NPPF) which encourages the effective re-use of land that has been previously developed (brownfield) provided it is not of high environmental value. Policy 9 of the North Northamptonshire Core Spatial Strategy (CSS) emphasises this by stating that priority will be given to the reuse of suitable previously developed land and buildings within urban areas. Preference will also be given to locations that are accessible by a choice of means to travel.

In principle therefore, this application site is considered to be an acceptable site for residential development purposes, subject to the other material planning considerations being satisfied.

2. Design and Character

Policy 7 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy 13 of the CSS emphasises the need for all new development to raise design standards and to enhance the character of its surroundings.

Residential development along Gladstone Street in Kettering is predominantly characterised by terraces of two storey dwellings which abut the highway and have a strong building line. The row of properties along which the proposed development is to be situated comprises areas of private amenity space/courtyards to the rear.

This site is currently used as a Builders Yard and provides a dry storage area for building materials. The current building on site is single storey in proportion, is set back from Gladstone Street and includes two large roller shutter doors within its principal elevation. The building does not contribute positively to the existing character and appearance of the street scene.

As previously stated, this application has undergone a number of amendments to try and overcome initial concerns raised by the local planning authority with respect to the design, character and amenity of the scheme.

Originally, the proposal as submitted comprised a four bedroomed, double fronted, two storey dwelling, set back from the highway which in no way reflected or reinforced the existing local character prevalent within the immediate vicinity. The footprint of the dwelling encompassed the entire width and depth of the site, save for the provision of an area for bin storage, which resulted in a family size property with no private, outdoor amenity space.

Amendments have been sought throughout the life of the application in order to try and improve the overall design of the dwelling, reduce the footprint of the property, ensure adequate provision of private amenity space within the site and address amenity concerns relating to overlooking and privacy issues in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (CSS).

The most recent amended plan was submitted on 28th July 2015. It now comprises a smaller property with respect to its width, includes an area of private outdoor amenity space and the dwelling is now set further forward within the site in order to abut the highway and follow the building line of the existing row of neighbouring properties.

The principal elevation of the dwelling takes reference from the neighbouring properties with respect to design and character details. Specifically, amendments have been made to incorporate fenestration details above and beneath the windows, replicate window sizes and match the eaves height of the building with the adjoining neighbours and include band details as seen on neighbouring properties within the vicinity. It is considered that the revised proposal seeks to respect the typical character of this part of Gladstone Street and enhance the appearance of the area when compared to the existing situation.

It is therefore considered that the proposal meets the design requirements as set out within Policy 13 of CSS and Policy 7 of the NPPF.

3. Highway and Access

Initially, the application as submitted failed to demonstrate or provide adequate information with respect to parking provision and proposed traffic movements. The applicant was required to carry out a parking review in the locality of the site by Northamptonshire highways in order to assess the parking situation along Gladstone Street.

This further information was submitted by the agent on 25th June 2015. Northamptonshire highways assessed the details and determined that the parking review was satisfactory.

Subject to the recommendation of conditions relating to highway safety for the proposed dwelling, the proposal is considered to accord with Policy 13 of the CSS.

4. Amenity

A core objective of the NPPF states that planning should provide for a good standard of amenity for all existing and future occupants of land and buildings. Policy 13 of the CSS requires that all new development protects the amenity of neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light and overlooking.

This revised application comprises a two storey dwelling (in addition to a proposed room in the roof). Two habitable room windows were originally proposed to be inserted within the first floor rear elevation of the proposed dwelling. To the rear of the application site are a number of flats which are accessed from Mill Road (24, 24a and 24b Mill Road). Two windows and a front door are situated directly to the rear of this application site and would have been directly affected by the proximity of the first floor rear windows of this proposal.

However, as part of the revisions sought by the local planning authority, the applicant agreed to revise the first floor living arrangements in order that the bathroom and study formed the first floor accommodation within rear elevation of the building. All bedrooms on the first floor are now located to the front of the property and these windows face out towards Gladstone Street. As a result, just one first floor window is contained within the rear elevation of the building and will comprise obscure glazing. The proposed study room now contains a high level window which is situated within the side elevation of the property and allows light into the room but is designed to prevent direct overlooking. The proposed bedroom within the roof space of the property will include a roof light and a side window in the stairwell area of the accommodation for light purposes. This side window is also to comprise obscure glazing.

Taking all the above considerations into account, it is considered that the revised proposal overcomes the initial concerns raised with respect to residential amenity for both existing neighbours and future occupiers of the site. There are not considered to be detrimental impacts upon neighbours sited to the rear/side of the site with respect to overlooking or privacy issues. As such the proposal is in accordance with residential amenity requirements set out within Policy 13 of the CSS.

5. Other matters

The underlying geology of the Northamptonshire area exhibits high levels of naturally occurring arsenic and vanadium. A condition is recommended which

requires investigation and remediation measures prior to commencement of development in accordance with Section 11 of the NPPF if the application is approved.

Environmental Health has recommended that if approved, a condition relating to working hours form part of the decision notice due to its proximity to neighbouring residential sites.

Policy 14 of the Core Spatial Strategy states that development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency. In this instance it is considered that further information is required in order to satisfy the requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy. As such a sustainable construction methods condition is recommended as part of any planning decision if the application is approved.

Conclusion

After numerous amendments, it is considered that this proposal constitutes an acceptable design which respects the character and appearance of the local area. The development provides private outdoor amenity space, an acceptable relationship with neighbouring properties and is acceptable in highway safety terms. Therefore the application is considered to accord with Policy 7 of the NPPF and Policy 13 of the CSS. It is recommended for approval subject to the suggested conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Louise Jelley, Senior Development Officer on 01536 534316