

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 20/10/2015</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2015/0540</b>
<b>Wards Affected</b>	<b>Northfield</b>	
<b>Location</b>	<b>59 Melton Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Demolition of bungalow and construction of 4 no. terraced houses</b>	
<b>Applicant</b>	<b>SR Services</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. 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:

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 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,
  - ground waters 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'.

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 11 of the National Planning Policy Framework.

3. Prior to the commencement of any part of the development hereby permitted, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained for the duration of the demolition and construction works unless otherwise agreed in writing by the Local Planning Authority.

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

4. The materials to be used in the construction of the roofs of the development hereby approved shall be Marley Eternit Ludlow Major tiles in Smooth Grey.

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

5. No development shall commence on site until details of the types and colours of all external facing materials to be used 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.

6. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, 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 of the North Northamptonshire Core Spatial Strategy.

7. A gate is to be provided at the entrance of the alleyway and shall be hung so as to open inwards into the site only.

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

## **Officers Report for KET/2015/0540**

This application is reported for Committee decision because there are unresolved material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/2005/0205. Outline. Demolition of existing dwelling and garage and construction of 8 no. apartments. Approved 23/05/2005.

KE/04/1059. Outline. Demolition of existing dwelling and construction of 10 no. apartments. Withdrawn 06/10/2004.

#### **Site Description**

Officer's site inspection was carried out on 17/09/2015 and 18/09/2015..

The application site is located in a long established residential estate to the north of Kettering, close to the junction of Melton Street with Cross Street, set back in a large rectangular plot of land.

The site comprises a small single storey gable roofed red brick and pebble-dashed render covered dwellinghouse with a grey concrete tile roof, built in the 1950s. All windows and doors have been replaced with white PVCu. There is a detached single flat roofed garage with a partial parking space to the northeast of the dwellinghouse, joined to the dwellinghouse by a brick gate. There is a parking space to the northwest of the dwellinghouse which is separated from the rear garden by a 1.8 metre high hit and miss wooden fence.

There is a low rendered wall to the front of the dwellinghouse surrounding a small front garden. The rear garden is surrounded on all sides by a 1.8 metre high wooden panel fence and the rendered flank wall of No.57 Melton Street along the northeast boundary.

The prevailing character of the surrounding area is for terraces of two-storey Victorian/Edwardian dwellinghouses which have been interspersed by some later infill two-storey terraced development. To the southwest of the site is Melton Street Community Centre (St Philips Hall) and its car park.

#### **Proposed Development**

The proposal is to demolish the existing bungalow and garage on site and to construct a terrace of 4 No. two-storey two bedroom dwellinghouses, set back from the highway boundary with Melton Street, providing a single parking space for each dwellinghouse clear of the highway, with an alleyway to the northeast of the site, adjacent to No.57 Melton Street, providing rear access to all four plots..

Amended plans have been submitted removing the on-site parking provision and the front porches and moving the development forward in the site so it is

no more than 1 metre back from the back of the highway boundary.

The amended plans have been consulted on for 10 days from 07/10/2015 and any comments received will form part of the Committee Update.

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

None.

## **4.0 Consultation and Customer Impact**

### **Highway Authority**

Objection.

The submitted scheme does not satisfy standards.

Revised layout to show pedestrian visibility splays of 2.4 x 2.4 metres, clear above 0.6 metres, and parking spaces of 2.4 x 5.5 metres with no solid boundaries. These can impinge on the overhang of the porch but must not hinder access to the dwelling.

Parking survey to be provided of local area to show 4 cars can be accommodated in the vicinity. Survey to cover 2 days and cover the area from 37 Melton Street to 61 Cross Street and to the entrance of the car park at the rear of St Phillips Hall on Cross Street.

### **Environmental Health**

No objection.

Subject to conditions/informatives regarding contaminated land, demolition method statement, working hours, radon protection and acoustic separation.

### **Neighbours**

70 Melton Street

Objection.

- The current premises are the only one on Melton Street offering off-road parking.
- Increasingly difficult to park evenings and weekends.
- Have to park a considerable way away or in adjoining streets.
- This application could increase off road parking by effectively 4 to 8 further vehicles.
- As a supporter of Melton Street Community Centre, these buildings will reduce the amount of natural light considerably to the centre.

74 Melton Street

Objection.

- Parking and disabled access, overshadowing and overlooking.
- The parking situation at the bottom of Melton Street is already busy, caused not only by residents but by people dropping off at Melton Street Community centre which has a day nursery and is used by several groups for social functions.
- Husband's ambulance has to pick him up and drop him off 6 times a week and have to stop and manoeuvre opposite the bungalow.
- Increased parking generated by four new houses would make the situation impossible.

- The building of four terraced houses where there is a bungalow at present will replace a one-storey structure with four two-storey ones leading to overshadowing of our houses opposite. Chose No.74 for its open aspect.
- Two-storey houses on the plot of No.59 would cause overlooking of our bedroom windows and down into the sitting room windows.

76 Melton Street  
Objection.

- Will there be parking provision for these 4 houses as parking is a problem down the street?

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

### **Development Plan Policies**

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

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety
5. Contaminated Land
6. Sustainable Construction and Energy Efficiency

### **1. The Principle of Development**

The application site is in an established residential area to the northeast of Kettering.

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

Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of new residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

The principle has already been established at the site for residential development by approval for the construction of 8 no. apartments in 2005.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

## 2. Character and Appearance

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings.

The prevailing character of the surrounding streets is for gable roofed terraced properties generally abutting the back of the pavement with front doors set in from the front elevation, and on street parking. They are simple and uncluttered in their design and built of red brick with grey concrete or slate roof tiles. Porches are not a common feature of the wider street scene.

It is considered the loss of the bungalow at the site, which was built in the 1950s and is not reflective of surrounding development, would not adversely impact on the general character and appearance of surrounding development or the wider street scene.

The original proposal was designed as a row of four gable roofed terraced properties with a roof style and pitch, eaves height and window spacing reflective of surrounding development. The original proposal was set back into the site with a parking space in front of each dwellinghouse and a porch over the front doors.

The general character of the proposal reflected the character and appearance of surrounding development but amended plans have been requested to move the proposed dwellinghouses forward in the plot to no more than 1 metre back from the back of the footpath, and remove the parking spaces and the porches, in order that the proposal better reflects the character and appearance of surrounding development and the wider street scene. In addition, by moving the proposal forward within the site it provides rear amenity space of a size similar to that in surrounding development.

The applicants have submitted roof tiles and bricks for the development which reflects those used in surrounding development and a condition will be added requiring the proposal to be built out using these materials.

There is a terrace of 4 No. dwellinghouses to the northeast of the application



site at Nos. 37 to 39A Melton Street, three of which are set back from the back of the pavement and have porches. These dwellings form part of a larger social housing scheme of 14 No. dwellings developed on Melton Street, Albion Road and Duke Street. Social housing is constrained by size and their appearance regulated by design standards, and a porch forms part of their development criteria and as such was allowed as part of this scheme even though it is not a feature common in the terraced streets in Kettering.

It is considered that subject to the materials matching those on surrounding dwellinghouses, the proposal will reflect the character and appearance of surrounding development and the wider street scene in accordance with policy 13(h) of the North Northamptonshire Core Spatial Strategy which requires new development to reflect, respect and enhance the character of its surroundings.

### 3. Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties.

The proposal has been amended to move the proposed dwellinghouses forward in the plot to approximately 1 metre from the back of the footpath, reasonably in line with the other terraced properties on the south side of Melton Street. The amended proposal will result in the proposed development moving nearer to the dwellinghouses opposite.

Objections have been received to the original proposal from neighbouring occupiers stating that there will be a reduction in the amount of natural light to Melton Street Community Centre, the increase in height from single to two-storey will lead to overshadowing of the houses opposite the site and will lead to overlooking into the front bedroom and sitting room windows of these properties. These comments are relevant to the amended proposal and are discussed below. Any further comments will be provided in the committee update.

The proposed dwellinghouses have a kitchen and WC at ground floor level and a bathroom and bedroom at first floor level on their front elevation, and it is considered that, in terms of the overshadowing and overlooking of the houses opposite the site, the amended proposal will have a relationship no different to that of other opposing terraced properties in Melton Street.

By moving the proposal forward in the plot, the amount of rear amenity space provided is similar to that of surrounding development. The existing development to the rear of the application site at Nos.58 to 68 (evens only) Duke Street, is set on slightly higher ground than the application site and there is a 1.8 metre high wooden panel rear boundary fence set on top of a 0.5 metre high brick wall, and as such, there will not be any unacceptable loss of privacy or overlooking of either future occupiers or surrounding neighbours.

With respect to the adjacent neighbour to the northeast at No.57 Melton Street, this neighbour has a blank flank two-storey wall facing the application site and

a 1.8 metre high wooden panel boundary fence. It is considered there will not be any issues of overlooking or loss of privacy over and above that which is already experienced by being adjacent to the other existing terraced properties in Melton Street.

With respect to the Community Centre, which is adjacent to the site to the southwest, there are windows in the northeast elevation facing the application site and which will be affected by the proximity of the proposal, however, as the Community Centre is not a residential property, the rooms affected are not habitable rooms, and the majority of the facing windows have darkened panes which are also opaque in the lower windows, it is not considered that this loss of light will be significant enough to cause a loss of amenity to the users of this building.

With respect the proposal itself, a condition will be added requiring the provision of a gate at the entrance of the alleyway to prevent it being used for anti-social behaviour which will adversely impact on the amenities of the future occupiers. It is not necessary to add a condition preventing further openings at first floor level in order to overcome any possible future amenity issues, as a condition of the Town and Country Planning (General Permitted Development) (England) Order 2015 is that any windows inserted in an upper floor in a side elevation of a dwellinghouse must be obscure glazed and fixed shut, unless the bottom of any opening is 1.7 metres above the floor level of the room in which it is installed.

Another condition will be added due to the narrowness of Melton Street and the generally constrained nature of the site, for a combined demolition and construction management plan to guard against any amenity issues which may arise during demolition or construction at the site.

As such, subject to a condition for a combined demolition and construction management plan and acoustic separation, the proposal complies with policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties.

#### 4. Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The proposal has been amended to move the proposed dwellinghouses forward in the plot to approximately 1 metre from the back of the footpath, reasonably in line with the other terraced properties on the south side of Melton Street. The amended proposal will result in the proposed development moving nearer to the dwellinghouses opposite, and will remove the 4 No. proposed parking spaces from the site.

Objections have been received regarding parking in the surrounding area

stating that the current premises is the only one on Melton Street offering off-road parking, the increasing difficulty parking at evenings and weekends meaning residents having to park further and further away, the problems currently caused by the users of Melton Street Community centre which has a day nursery and is used by several groups for social functions and the personal circumstances of one of the neighbours.

The prevailing character of the area is for on-street parking and the loss of the bungalow will result in the loss of the existing 2 No. on-site parking spaces. The Highway Authority requires 8 No. parking spaces to be provided, 2 for each of the dwellings but there are no adopted parking standards. It therefore falls for the parking provision at the site to be determined in accordance with development plan policies which take into account the prevailing parking provision in the area and the requirement of the new development.

The proposal will result in the construction of a further 4 No. terraced properties in a street of terraced properties. The plot width is 18.6 metres which will provide on street parking for at least three cars in front of the new development. The 4 No. housing association dwellings further up Melton Street on the same side at Nos.37 to 39A (odd numbers only) have parking provided in a parking court accessed from Albion Street, which also serves the other 10 dwellings of the same development which are located in Albion Street and Duke Street, and so therefore the space in front of these houses is available for on-street parking.

The parking survey shows that at the times of the survey, on a weekday and a weekend throughout each day, that there is sufficient space within Melton Street and in Cross Street, to the east of the site, to accommodate at least an additional 5 No. vehicles without causing undue pressure on the highway network or prejudicing highway safety. Case officer site visits carried out on two weekdays at 11.30am and 10.00am also supported this assertion.

It is therefore considered that in providing only on-street parking for the proposed development, the proposal would not adversely impact on the highway network and would not prejudice highway safety which is in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

The survey is currently out for consultation and any issues raised will be provided in the update to the Committee Report.

#### 5. Contaminated Land

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site will be necessary to assess the extent of contamination which will then inform a remediation scheme.

This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with paragraphs 109 and 121 of the NPPF which requires development to enhance the local environment by remediating and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990.

#### 6. Sustainable Construction and Energy Efficiency

Policy 14(b) of the North Northamptonshire 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.

The submitted Sustainability Appraisal and Energy Statement provides some detail as to how the proposal will be energy efficient and reduce carbon emissions but further information is needed and this can be requested by condition.

The waste and recycling facilities at the site will be located in the rear garden of each dwelling and this will be accessed via an alleyway along the northeast boundary adjacent to No.57 Melton Street.

A condition is to be added requiring further details to be submitted for approval.

#### Conclusion

Subject to the addition of conditions regarding materials, a demolition and construction management plan, contaminated land and sustainable energy, the proposal is in compliance with policies in the Development Plan and is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

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

Ref:

Date: