

**North Northamptonshire Area Planning (Kettering)
Committee
18/11/2021**

Application Reference	NK/2021/0555
Case Officer	Natalie Westgate
Location	Former mechanic garage, Crown Street, Kettering
Development	Full Planning Permission: Demolition of garage and erection of 3 no. one bedroom houses
Applicant	Mr Patel, Affable Properties Ltd
Agent	Mr Dipesh Surti Plan My Property
Ward	All Saints
Overall Expiry Date	26/10/2021
Agreed Extension of Time	19/11/2021

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Demolition of garage and erection of 3 no. one bedroom houses.

3. Site Description

3.1.1 The application site is in the town centre of Kettering. The vacant disused garage site is situated on the north western side of Crown Street. The surrounding area is residential.

3.2 Site constraints

3.2.1 None

4. Relevant Planning History

4.1 None relevant

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at:

<https://www.kettering.gov.uk/planningApplication/search>

5.1 Kettering Town Council

Objection on the grounds that this represents over development of the area. A smaller number of larger houses would be more appropriate. This development will put further pressure on parking availability in the street. There would be artificial grass but it would prefer to see this balanced by tree or shrub planting to improve bio-diversity.

The application needs to address cycle storage provision, sustainable development principles and there should be a condition addressing contamination risk.

5.2 Neighbours / Responses to Publicity

1 letter has been received. The issues raised are summarised below:

- Although there are no windows in the side elevation, there are dormer windows in the roof which may overlook our church rooms
- There should be boundary fence to replace the removal of the brick building
- Car Parking has been addressed but I need to reiterate when hiring our church rooms hirers also hire a car parking space and as a Trust we are fearful that residents/visitors will use our car park as an overflow. The existing free car parking in Crown Street/Lindsay Street does not stop people parking in our car park. We have looked into either barriers to our car park or hiring a car parking company but these options are either not practical or affordable.
- Concern when building works commence where the vehicles will park
- Cycle store has been addressed
- There is or was a fuel tank under this property so we would be pleased to receive assurance that if this is the case it will be dealt with properly with no risk to adjoining properties

- Bin store – it appears there is only 2 bin stores per household when there are currently 3 bins per household in Kettering

5.3 Local Highway Authority (LHA)

Tarmac surface would be acceptable. It is noted two trees adjacent to the access have been removed and are replaced with low level planting and provided there's a 1m (min. 0.5m) offset of any planting/shrubs/hedges etc. from the highway boundary to allow for growth without significant encroachment of the public highway, the LHA have no concerns. There should be a condition on a demolition and construction management plan.

There should be informatives on the applicant will be required to obtain a Section 184 licence from the Council's Highways Regulations team on receipt of a planning Consent in order to carry out works to the site access within public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Council Approved Contractor; who has the required and necessary public liability insurance in place.

Please note on receipt of planning consent, and in order to carry out works within the highway to facilitate the reinstating of the footway and full height kerbs at the existing dropped kerbs, the applicant will be required to enter into a minor Section 278 agreement with the LHA. Please also note the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Council Approved Contractor; who has the required and necessary public liability insurance in place. Further details regarding the costs and requirements associated with this agreement can be obtained from the Council's Section 278 Team, however the agreement cannot be entered into until planning consent is granted.

5.4 Environmental Health Officer

Recommends conditions on working hours for construction, contaminated land and informative on radon.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1. Presumption in favour of Sustainable Development
Policy 4. Biodiversity and Geodiversity

Policy 6. Development on Brownfield Land and land affected by Contamination

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network of Urban and Rural Areas

Policy 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

6.4 Saved Policies in the Local Plan for Kettering Borough
Kettering Saved Policy 35. Housing: Within Towns

Emerging Policy – Site Specific Part 2 Local Plan

Policy LOC1. Settlement Boundaries

Policy HOU1. Windfall and Infill Development: Principles of Delivery

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Residential Amenity
- Highway Matters
- Contaminated Land

7.1 Principle of Development

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

7.1.2 The principle of proposing new dwellings within the confines of a growth town is consistent with saved Local Plan Policy 35, Policy 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) and guidance contained within the National Planning Policy Framework (NPPF) seeks to focus development in towns in the interest of sustainability and to safeguard rural areas.

7.1.3 Policy 11 of the JCS directs development towards the growth town of Kettering. Policies 6 and 29 of the JCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

7.1.4 Policy HOU1 of the emerging Site Specific Part 2 Local Plan states that windfall and infill development within settlement boundaries will generally be accepted in principle providing there is no erosion to the character and appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents. Furthermore, the requirements of policy set out in the JCS need to be met and developments

must be in conformity with policy contained within the Site Specific Part 2 Local Plan. The Site Specific Part 2 Local Plan is at an advanced stage with the Local Plan now moving forward for full adoption status in the next month. Accordingly, these policies are now given significant weight at this time.

7.1.5 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of such development provided there is no adverse impact on character and appearance, residential amenity and the highway network. It also seeks a high standard of design.

7.1.6 Subject to detailed consideration being given to the impact of the proposed works and ensuring it complies with national and local policies, detailed above, the principle of development is considered acceptable.

7.2 **Visual Impact**

7.2.1 Policy 8(d) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

7.2.2 There are a range of residential building forms, house types and designs within the locality. The residential properties in the locality are primarily two storey in height and are large detached dwellings and terraces. The proposed no.3 dwellings would be two storey terraced dwellings. The proposed dwellings would be set back from the streetscene. There is no established building line in this part of Crown Street. The proposed dwellings would be symmetrical to one another and of simple design interest. The dormer windows would be an appropriate size so they would not dominate the character of the dwellings. The proposed materials would match the adjacent building and details of materials is conditioned to ensure the proposed development is in keeping with the character of the area.

7.2.3 Policy 9 of the North Northamptonshire Joint Core requires new development to incorporate measure to ensure high standards of resources and energy efficiency and reduction in carbon emissions. This includes measures which limit water use to no more than 105 litres/person/day. A condition is recommended.

7.2.4 The proposal would be appropriate for the locality in terms of form, massing and design. Therefore, the proposal is not considered to impact adversely upon the character of the local area to any significant extent and therefore is in accordance with Policy 8(d) of the North Northamptonshire Joint Core Strategy.

7.3 **Impact on Residential Amenity**

7.3.1 Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to residential amenity.

- 7.3.2 The proposed dwellings would have significant separation distances from the neighbouring properties, which are also set off the common boundary. Plan CS : PA01revC/02 demonstrates there would be 1.8m close boarded fencing around the sides and rear of each garden and site boundary and there is a condition on . There are no proposed first floor side windows in any plots and there is a condition for the dormer window in the rear elevation of Plot 1 to be non-opening and obscurely gazed and a condition is recommended to remove permitted development rights from first floor side windows for plots 1 and 3 to ensure there is no future loss of privacy or overlooking. The proposed development would have a negligible impact upon living conditions of neighbouring properties.
- 7.3.3 The site provides adequate trees in the rear gardens and elsewhere within the site. The proposed dwellings would provide adequate rear gardens space for amenity to the future occupiers. There will be provision of artificial grass within the rear gardens, which given the town centre location so not all rear gardens have grass is acceptable in this instance. There is a condition on landscaping to ensure there is landscaping within the scheme and it is retained.
- 7.3.4 The proposed dwellings would have adequate space for bin and cycle storage within the site. Conditions are recommended to secure details of bin and cycle storage.
- 7.3.5 Given the close proximity to existing residential properties, a condition for working hours of construction is recommended.
- 7.3.6 It is therefore considered that the proposed development is in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon the amenities of neighbouring properties nor future occupants.

7.4 **Highway Matters**

- 7.4.1 Policy 8(b) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.
- 7.4.2 The site is situated in a town centre location with nearby bus links. The surrounding locality is primarily on-street parking. Although there is an existing access, there is a new proposed crossover into the site adjacent to the existing which the Highways Officer deems reasonable for use for the proposed development. The Highways Officer finds acceptable the pedestrian visibility splays detailed on Plan CS: PA01revC/02 and vehicle visibility splays shown on Plan CS: PA01revC/01.
- 7.4.3 The proposed development would provide adequate provision of parking within the site. The provision of 1 EV vehicle charging parking space for each dwelling would be good sustainable development and is encouraged. There is a condition attached to ensure parking spaces are retained.

7.4.4 A condition requiring a demolition and construction management plan is recommended (also a request of the Local Highways Authority).

7.4.5 It is considered that the proposed development is in accordance with Policy 8(b) of the North Northamptonshire Joint Core Strategy.

7.5 Contaminated Land

7.5.1 Due to the historic use on the site as a garage and underlying geology, levels of naturally occurring arsenic, vanadium and chromium found throughout the area frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. The Environmental Health Officer has requested a condition on contamination which is recommended. It is considered that this can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with Policy 6 of the North Northamptonshire Joint Core Strategy and the National Planning Policy Framework 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. The recommended informative on radon is agreed.

8. Other Matters

8.1 None.

9. Conclusion / Planning Balance

9.1 For the reasons given above and conditions to be imposed then the proposal would be acceptable in terms of character, appearance, highway matters and impact on living conditions.

10. Recommendation

10.1 Subject to conditions for commencement of development, in accordance with approved plans, external materials, details of the bin and cycle storages, retention of parking spaces, details of landscaping, boundary treatment, working hours of construction, demolition and construction management plan, contaminated land, water usage, dormer window on rear elevation of Plot 1 to be non-opening and obscure glazed and removal of permitted development rights on first floor windows to side elevations of plots 1 and 3, the proposal is recommended for approval.

11. 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. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. No development above building slab level 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 in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The parking spaces hereby approved shall be provided prior to the first occupation of the development hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure adequate on-site parking provision for the approved dwellings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to first occupation of the development the boundary treatment scheme within plan CS: PA01revC/02 shall be fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the approved plan CS: PA01revC/02, prior to first occupation of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved 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 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to first occupation of development, details for the cycle storage shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of general amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to first occupation of development, details for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. Prior to the commencement of development a Demolition and Construction Management Plan shall be 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 demolition and construction works.

REASON: In the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

10. No demolition, construction, deliveries of plant and materials for construction shall occur outside of the following times. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. 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: Contaminated land investigation is required prior to the commencement of development 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 15 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

12. The dwellings hereby approved shall have been designed to achieve a maximum water use of no more than 105 litres per person per day.

REASON: In the interests to provide a sustainable form of development in accordance with Policies 8 and 9 of the North Northamptonshire Joint Core Strategy.

13. The dormer window on the rear elevation of Plot 1 shall be non-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. 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 additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made at first floor in the side elevations of Plots 1 and 3.

REASON: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Informatives

Positive/Proactive - amendments
Radon - Protection of Dwellings Informative
Highways Section 184 Licence
Highways Section 278
Demolition and Construction Management Plan

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date
--------------	----------------	--------------------	----------------------

Existing floor plan, elevations, location plan and propose site plan		CS_PA01revC_01	24/06/2021
Proposed first floor, roof plans and elevations		CS_PA01revC_02	24/06/2021
Design & Access Statement	NK/2021/0555/3		24/06/2021
Contamination report	NK/2021/0555/2		24/06/2021
Flood zone map	NK/2021/0555/1		24/06/2021



Title: Crown Street

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown Copyright 2021 All rights reserved.

Licence 100063687



Date: 05:11:21

Scale: 1:1250

Drawn by: Drawn by: