

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/12/2014	Item No: 5.4
Report Originator	Alan Davies Development Officer	Application No: KET/2014/0678
Wards Affected	Desborough St. Giles	
Location	20 - 24 (land between) Ise View Road, Desborough	
Proposal	Full Application: Demolition of garage and lean-to. Construction of dwelling and garage	
Applicant	Mr K Miller	

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: In the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. 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.

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.

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 13 of the North Northamptonshire Core Spatial Strategy.

4. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme indicating the positions, design, materials and type of screen walls and fences to be erected. The dwelling shall not be occupied until the scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the privacy of the occupiers of adjoining residential properties in the interests of amenity 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) 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, C or E shall be made at first floor level in the north or south elevation or any part of the roof of the dwelling hereby permitted or the north or south elevations of the garage hereby permitted.

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. No development shall commence on site until full details of all methods and measures of sustainability to be included in the development 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 achieving a sustainable development in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

7. The development hereby permitted shall not be occupied or the use commence, whichever is the sooner, until the two vehicle parking spaces have been constructed, surfaced and marked out in accordance with the approved details, and that area shall thereafter be reserved for the parking, loading and unloading of vehicles.

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

Officers Report for KET/2014/0678

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

3.0 Information

Relevant Planning History

KET/2014/0678 - 1 no. chalet bungalow with garage. Approved 11/10/2010.

KET/2008/0576 - Erection of new dwelling and garages. Refused 22/08/2008.

KET/2006/1032 - Two storey dwelling and garage. Refused 24/01/2007.

KET/2005/0332 - Three bedroom detached dwelling and detached garage. Approved 19/07/05.

Site Description

Officer's site inspection was carried out on 24/10/2014.

The application site lies on the eastern side of Ise View Road, a predominantly residential area of Desborough. The site is occupied by a pair of garages with a parking area in front. To the rear of the garages there is a large garden. To both sides of the site there are detached bungalows which are set slightly further back from the street than the existing garages on site. The boundary treatment around the plot is inconsistent with some gaps to both sides but it is predominantly timber panel fencing where there is boundary treatment.

Within the surrounding area there is a mixture of housing styles, types and sizes including modest bungalows, slightly larger chalet bungalows with dormer windows and also 2 storey detached dwellings. There are various plot widths along the street. However in general there is little space between dwellings even where the plots are wider. Long rear gardens are a common feature of the street and most dwellings are set back from the highway. Several nearby dwellings have detached garages that are provided forward of the main dwelling. The street

therefore has a mixed character. In spite of there being very little space between the existing dwellings the street retains an open and spacious character.

Proposed Development

It is proposed to construct a two storey dwelling with a pitched roof. The dwelling will have a large amount of glazing on the front and rear (west and east elevations) to allow light into all of the habitable rooms of the property as the side elevations (north and south) will primarily be blank. A single detached garage will sit forward of the front elevation of the dwelling and there will be hardsurfacing provided for car parking space. There will be a single storey rear element as part of the development.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Town Council

No objection

Environmental Health

No objection provided that a condition relating to the mitigation of naturally occurring contaminants (contaminated land) is imposed on any permission.

Highways Authority

No objection

Neighbours

An objection to the proposal has been received from a neighbouring resident that primarily objects on the basis that the dwelling will not satisfy building regulations. The objector also expresses concern about loss of light to the neighbouring two dwellings and the character of the proposal.

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 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

35. Housing: Within Towns

SPG's

North Northamptonshire Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact upon residential amenity
3. Impact upon visual amenity and character of locality
4. Highway safety
5. Energy efficiency and sustainable construction
6. Other comments raised by the proposal

1. Principle of development

The Core Principles of the National Planning Policy Framework states that Local Planning Authorities should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Local planning policy is more explicit as it requires new development to be directed to existing built up areas, which is continued in Policies 1, 9, 10 and 13 of the North Northamptonshire Core Spatial Strategy. In addition Policy 35 of the 1995 Local Plan for Kettering Borough states that planning permission will normally be granted for residential development within towns where the proposal is compatible with all other policies and proposals in the plan. The objective of these policies is to ensure that new development is located in sustainable locations where access to jobs, facilities, amenities etc can be provided, and where ideally they can be accessed via sustainable modes of transport.

This application seeks permission for a new dwelling in a sustainable location within an existing built up area where services, job and

amenities can be accessed on foot, by bicycle or public transport and therefore the site is considered to be sustainable. Due to the location of the application site in a sustainable location the construction of a new dwelling accords with national and local planning policies and is therefore acceptable in principle. It is considered that the principle of this proposal is further strengthened by planning permission KET/2010/0555 which granted permission for a similar size and style dwelling on the same site. However, as permission was granted on 11/10/2010 that permission has now expired, hence the requirement for this latest proposal, which is materially different to the dwelling previously approved.

2. Impact upon residential amenity

Policy 13 of the North Northamptonshire Core Spatial Strategy states that new development shall not result in an unacceptable impact upon the amenities of neighbouring properties or the wider area by reason of loss of light, overlooking or overbearing impact. The two neighbouring dwellings, nos. 20 (to the south) and 24 (to the north) will be close to the proposal. There will be a 0.8 metre gap between the proposed dwelling and no. 20 to the south. The north elevation of the proposal will be built on the boundary with no. 24.

The neighbouring dwelling to the south, no. 20, is a single storey dwelling with a blank side elevation. Although the proposed dwelling would extend beyond the rear wall of this dwelling, this would only be by 4m. Due to the siting of the dwelling alongside a blank wall and the orientation of the dwelling to the north it is considered that the proposal would not have a significant impact in terms of loss of light or resulting in an overbearing impact upon the neighbouring occupants. It has been considered whether permitted development rights should be removed for rear extensions, although it is concluded that it is unjustified and unnecessary. There are no traditional windows proposed for the south elevation, although there are three sections of glass bricks (one at ground floor and two at first) to let in natural daylight.

In addition to the glass bricks a small 'egress window' at first floor is proposed that will be used as an emergency exit and is required to satisfy Building Regulations. It has been considered whether in order to ensure that this window does not result in overlooking or increase the perception of overlooking a condition is proposed for this window to be obscure glazed is necessary. As it will face directly onto a blank side wall it is considered unnecessary. It is therefore considered that the dwelling would not result in an unacceptable level of overlooking to the residents of no. 20.

The neighbouring dwelling to the north, no. 24, is also a single storey dwelling. It has a driveway with a covered car port that is enclosed to the side by opaque plastic corrugated sheets adjacent to where the proposed dwelling will be situated. Further back there is a flat roof garage. Although the proposed dwelling would be sited on the shared

boundary and due south of no. 24, it is considered that due to the structure attached to no. 24 there would be no deterioration in levels of natural daylight experienced by no. 24. This is partly due to the existing carport, which despite being lightweight results in some disruption to the natural light available to rooms with windows beneath the structure. The location of the proposed dwelling means that it will not be the full depth of no. 24 and therefore the impact upon the three side windows on the south elevation of no. 24 will not be fully impacted by the proposal and will continue to receive a significant amount of natural daylight.

The ground floor of the north elevation of the proposed dwelling will be completely blank. There is a small section of glass bricks proposed at first floor. In addition to the use of glass bricks on the north elevation and both glass bricks and a small egress window on the south elevation it is also considered justified to removed permitted development rights by condition to ensure that no windows are inserted in future without the prior consent of the Local Planning Authority. It is therefore considered that due to the scale, mass and design of the proposal it would not have an adverse impact upon the living conditions of occupiers of neighbouring properties. The proposal therefore accords with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Impact upon visual amenity and character of locality

Section 7 of the National Planning Policy Framework requires new development to be well designed and Policy 13(h) of the North Northamptonshire Core Spatial Strategy states that new development should respect and enhance the character of its surroundings. The surrounding area features a mixture of dwellings with various architectural styles and sizes including chalet-style bungalows and 2 storey dwellings in addition to the bungalows either side of the application site.

It is considered that although the proposed dwelling would not match the height of the neighbouring properties it would only be approximately 1.5m higher than the neighbouring bungalows. Added to this there is a complete mix of styles of dwellings in the vicinity with both single and two storey dwellings within the street scene. It is therefore considered that the height of the proposed dwelling is acceptable in terms of the impact upon the visual amenity and character of the street scene. It is also considered that the proposed design of the dwelling with a pitched roof and large expanse of glazing on the front elevation would not have a detrimental impact upon the visual amenity of the street scene, given the mix of dwellings along the street.

Although there will not be a significant degree of space around the building it will not be that dissimilar to other properties in the vicinity and as a result it would not harm the visual amenity or character of the street scene or surrounding area. The proposed dwelling reflects the scale of the surrounding properties although the design is noticeably different as a result of the two storey glazed element on the front elevation. This is

however considered to be a feature that will make a positive contribution to the character and appearance of the surrounding area.

The proposed garage would be sited forward of the main dwelling. Whilst this is not in keeping with the neighbouring property to the north there are other examples of this within the street including no. 20 to the south. The proposed garage would be a single garage only and relatively small in scale and therefore it is considered that this part of the proposal would not detract from the street scene. As such it is considered that the proposed development would not have a detrimental impact upon the visual amenity or character of the street scene and therefore the proposal accords with Policy 13(h) of the North Northamptonshire Core Spatial Strategy.

4. Highway safety

Policy 13(n) of the North Northamptonshire Core Spatial Strategy states that new development should not have an adverse impact upon the highway network. The visibility splay proposed would be sub-standard because the fence between the application site and the dwelling to the south exceeds 0.6m in height for the initial 2.4m from the highway boundary. However the previous planning permission on this site was approved as the highways authority considered that due to the characteristics of existing accesses in the vicinity the proposal should not be refused on highway safety grounds. The Highways Authority has recommended that two parking spaces be provided for the dwelling, which is the case. An informative will be included to ensure that the applicant seeks the correct licence from the Highways Authority to carry out work in the highway. As such the proposed development will not result in significant harm to the local highway network and therefore it is considered to accord with Policy 13(n) of the North Northamptonshire Core Spatial Strategy.

5. Energy efficiency and sustainability

Policy 14 of the North Northamptonshire Core Spatial Strategy requires new development of this scale to demonstrate that sustainable construction techniques, water reduction measures and waste reduction measures are incorporated within the development. This application has been accompanied by a Sustainability Statement which shows that the development will use 'fabric first' principles of construction in order to create a sustainable dwelling. The proposal includes a rainwater harvesting system, insulation with one of the highest thermal efficiency ratings and high performance double glazing, all of which will ensure that the development incorporates the principles of sustainable development. The proposal therefore meets the requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Design SPD.

6. Other comments raised by the proposal

A single objection to the proposal has been received, the majority of which relates to Building Regulations. The material planning

considerations raised have been fully considered in the report above and therefore do not warrant any further discussion. The matters relating to Building Regulations are not material planning considerations and therefore do not justify refusal of this proposal.

Conclusion

The proposal accords with national and local planning policy, will create a well designed dwelling that is an appropriate height and scale for its locality, will not have a detrimental impact upon residential amenity and seeks to incorporate high levels of sustainability in its design. As such it is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: