

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 10/02/2015</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Peter Chaplin Development Manager</b>	<b>Application No: KET/2013/0545</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>44 High Street, Broughton</b>	
<b>Proposal</b>	<b>Full Application: Erection of a two bedroom, two storey dwelling with on site parking and private rear garden space</b>	
<b>Applicant</b>	<b>Mr P Purewal</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. 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) apart from that hereby approved no building, structure or other alteration permitted by Classes A, B, C, D, or E of Part 1 of Schedule 2 of the Order shall be erected/constructed on the application site.

REASON: In the interests of the appearance of the street scene and to ensure that sufficient amenity (garden) land is retained with the dwelling in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. 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 materials shall include natural slate for the roof. 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.

4. Development shall not be commenced on the site until the following details at a scale not smaller than 1:10 have been submitted to and agreed in writing by the Local Planning Authority:

- Joinery details for external doors and windows, including sections through the joinery glazing bars
- window openings recessed in the elevations
- eaves detailing
- verge detailing

REASON: To ensure these details are satisfactory in recognition of the character of the locality, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy and Section 7 of the National Planning Policy Framework.

5. The development hereby permitted shall not be occupied or the use commence, whichever is the sooner, until the approved vehicle parking space has been constructed in accordance with the approved details, and that space shall thereafter be reserved for the parking of vehicles.

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

6. Pedestrian visibility splays of 2.4 metres by 2.4 metres as measured from and along respectively the back edge of the public footway shall be provided on both sides of the access driveway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.45 metres in height above footway level.

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

7. 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 C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 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 part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part 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 and Policy 13 of the North Northamptonshire Core Spatial Strategy.

### **Update for Committee re KET 2013 0545**

At the Planning Committee on 21 October 2014, it was agreed that a decision on this item be deferred until satisfactory amended drawings had been received. The item would then be resubmitted to committee for decision.

Architects plans have now been received and provide an accurately scaled set of plans of the proposal.

The design is of traditional 2 storey dwelling, the scale and form of which is intended to proportion satisfactorily and fit within the reasonably small area available.

The drawings indicate external wall materials of random coursed sand ironstone laid in lime mortar with a (natural) blue black slate. Samples of materials will be required to be shown to and approved by the LPA.

Details of lintols and cills (which shall be of stone) have been provided. A traditional open gutter at eaves level is shown. Although the proposed timber windows which are to be double glazed indicated small panes, this has been simplified on the amended plans to overcome the difficulty of glazing bars which would otherwise be either non structural i.e. stuck on, or too thick.

### **Consultation on the revised drawings:**

Broughton Parish Council objects:

1. The 'Car Park' referred to in relation to the adjoining shop is not an official car park. There is no dropped kerb or formal permission granted to cross the pavement. Should approval be granted it should be a Condition that necessary approvals be secured and an appropriate surface and dropped kerb be provided.
2. The Cransley Hill/High Street junction is a very busy and possibly dangerous one, especially when requiring someone to reverse in or out. An official Traffic Survey carried out in November 2014 by the Highways Authority showed over 15,883 vehicle movements per week, with a daily week-day average of 2,557 movements.
3. Also to be taken into account should be the planned changes due to take place at the junction in line with the Section 106 obligations resulting from the Redrow Development in Cransley Hill/Cox's Lane.
4. Traffic and parking in the High Street are the most contentions issues in the emerging Neighbourhood Plan which is being considered strategically in an effort to bring about a resolution to or easing of the situation.
5. The Parish Council also query whether a new-build should have a front door opening directly onto the street?

## **Neighbour:**

As a result of the new plans, the occupiers of 46 High Street, Broughton have (again) objected to the proposal :

- The neighbours state that following matters are ground for Judicial Review: “the committee report does not accurately reflect the Council meeting”; lack of a “45 degree rule assessment”; no evidence that the Environment Agency or Local Drainage Board have been consulted with regard to a culvert (on or affecting neighbours property) in “direct contravention of Section 23 of the Land Drainage Act 1991”
- “the applicant needs to provide further details on the windows and doors, specifically materials;
- “no reason to see that our previous concerns have been addressed: i.e. directly overlooking our property to a great extent than mentioned to Committee”; the upper storeys (of proposal) would permanently overlook our entire garden”; (by approx 10-15ft); it would be unacceptable to expect us to glaze our windows to accommodate a property which would be at most 6 metres away and not 8 metres as indicated, ‘level of overlooking and lack of light’ “are ground for refusal”
- A Right to Light in our main living areas has been established, lack of natural light ... will result in problems such as sick building syndrome
- “we currently need to mount the pavement opposite our property on Cransley Hill to park in our property due to the length and size of our (standard estate) car and dimensions of our gates: The proposed dwelling would block this access; 24/7 vehicular access is required due to emergency medicine and military commitments”
- Applicant carrying out CCTV surveillance to ascertain traffic levels and question if this has been seen by the Committee; risk of “violation to privacy”
- “ will overlook our main bathroom by approx 10ft: “significantly breach privacy and one
- Any additional run off would directly impact on our property’s ability to remain watertight; flooding concerns;
- Creation of sub surface foundations in close proximity to our property has risk of destabilising our basement,
- Community parking is already overstretched at the junction of Cransley Hill with High Street; an additional residence will exacerbate this issue;
- “serious concerns over the structural integrity of the end gable wall of 1 Cransley Hill should additional foundations be built alongside this;
- Architectural style is not in keeping with the style of the village
- “we would hold KBC legally responsible for and subsequently challenge in the law courts” (for adverse impacts if approval is granted)

## **Officer consideration**

The points raised by the Parish Council and neighbour have been considered.

Relevant to planning are issues which have been examined in the earlier report to Committee or where necessary are clarified below.

- character and appearance of the proposal, noting the site’s inclusion within the conservation area;

- traffic and parking,
- impact on neighbouring amenity,
- ensuring that satisfactory provision is to be made for drainage;

The submitted drawings show a traditional style dwelling which would be finished in ironstone and natural slates. These traditional materials are in keeping with nearby property and on a proposal of this scale would enhance the appearance of the Conservation Area

The footprint follows the grain of development which faces the road. Historically, part of the site appears to have had a building or some structure on it. Although it is a small plot, the form of building is modest and completes a gap in the frontage in a part of the village which has a tight built form.

The current use which allows for some incidental parking, perhaps for the shop is an informal arrangement. The proposal retains some parking associated with the shop and one space to be associated with the proposed dwelling that would require reversing into or out of onto the road. This would not be ideal near the busy junction but a similar thing is possible already.

However, the neighbouring property has maintained objection and their concerns are considered.

The physical relationship between the proposed dwelling and that of the neighbour opposite has been examined. This is shown on the plan, drawing 3128.15.02A. The position of the proposed dwelling means that one window is directly opposite a small opening in a secondary part of the property of No.46. On plan, this is a distance measuring 8.5m

The other side windows to No 46 including a first floor bathroom are not directly opposite the position of the proposed dwelling. Taken at an angle, the distances (measured from the plan) between windows of the existing and proposed dwelling is at least 9.5m.

However, the situation where property's either side of a road have windows that face each other such as here are not uncommon, what exists in the space between is public realm. In this context, the separation distances of are not untypical nor considered unreasonable

In other respects, the plans show a shadow line taken at 45 degrees from eaves of the proposed dwelling. This is shown as running along the road, Cransley Hill

Other issues raised in correspondence from the neighbour, includes matters that are not material to the determination of this planning application.

**Recommendation:**

That subject to the conditions on the earlier report, planning permission is granted for the proposal. However, the situation where property's either side of a road have windows that face each other such as here are not uncommon, what exists in the space between is public realm. In this context, the separation distances of are not untypical nor considered unreasonable