

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 10/03/2015</b>	<b>Item No: 5.10</b>
<b>Report Originator</b>	<b>Richard Marlow Senior Development Officer</b>	<b>Application No: KET/2015/0097</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>Lloyd &amp; McCarthy Accountants, 23 Regent Road, Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: Demolition of house and construction of 7 no. bungalows</b>	
<b>Applicant</b>	<b>Mrs C Brown</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 and to prevent an accumulation of unimplemented planning permissions

2. Prior to the first occupation of the development hereby permitted, the new vehicular access and private drive, shown on drawing number RR/01 received 2 February 2015 by the Local Planning Authority shall be provided and thereafter permanently retained. There shall be no obstruction to visibility within the area identified as 'visibility splays'.

REASON: In the interest of highway safety and 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 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. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the development is first occupied.

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

5. No development shall take place on site until a scheme for boundary treatment has

been submitted to and approved in writing by Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

6. 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 (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy 11 of the National Planning Policy Framework

7. The parking spaces hereby approved shall be provided prior to the first occupation of the bungalows 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 buildings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 12 of the National Planning Policy Framework.

9. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- i. Overall strategy for managing environmental impacts which arise during the demolition and construction;
- ii. Measures to control the emission of dust and dirt during demolition and construction;
- iii. Control of noise emanating from the site during the demolition and construction period;
- iv. Hours of construction work for the development
- v. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure within the site;
- vi. Designation, layout and design of construction access and egress points;
- vii. Details of measures to prevent mud and other such material migrating onto the highway from construction or demolition vehicles;
- viii. The erection and maintenance of security hoardings;
- ix. A scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

10. Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from the vehicular access [or private land] does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. Such details as may be approved shall thereafter be installed and operational prior to occupation and thereafter maintained as approved.

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

## **Officers Report for KET/2015/0097**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2014/0670 Demolition of house and construction of 7 no. bungalows.  
Withdrawn 30/01/2015.

#### **Site Description**

Officer's site inspection was carried out on 17/02/2015. The application site is located to the north of Regent Road within an established residential area and comprises of an existing dormer bungalow set centrally within its plot with landscaped wrap around gardens. The existing property is set back from the highway and is largely screened by existing evergreen vegetation. The site is bounded by established hedging and is surrounded by other residential development.

#### **Proposed Development**

The application seeks permission for the demolition of the existing house and the construction of 7 no. bungalows.

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

None

### **4.0 Consultation and Customer Impact**

*The statutory consultation period on the application runs through to the 5 March 2015. All comments received will be set out in the Committee Update.*

#### **Highway Authority**

No objection to the proposal and have recommended notes and conditions, should consent be given.

#### **Neighbours**

One third party objection on the following grounds:

- There appears to be no provision for visitor parking. Regent Road is often congested from the cars of people visiting the recreation ground, social club and tennis courts.
- It is not clear if the access to these new builds will be staggered from the access on the opposite side of the road as is the practice throughout the area.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph 14 – The Presumption in Favour of Sustainable Development

Paragraph 17 – Core Planning Principles

Policy 4 – Promoting Sustainable Transport

Policy 6 – Delivering a Wide Choice of High Quality Homes

Policy 7 – Requiring Good Design

Policy 11 – Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

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

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution and Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Development

#### **Local Plan**

Policy 35 – Housing: Within Towns

#### **SPGs**

Sustainable Design SPD

#### **Emerging Policy:**

Site Specific Proposals LDD

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Character
3. Amenity
4. Parking and Highway Safety.
5. Contaminated Land
6. Sustainable construction and design.
7. Archaeology

### **1. Principle of development**

The site is located within the existing settlement boundary of Burton Latimer which is defined as 'smaller town' offering a secondary focal point for growth. Development of the site accords with Saved Policy 35 (Local Plan), Policies 1, 9 and 10 (CSS) with respect of its location.

In addition, emerging policy in the form of the Site Specific Proposals Local Development Document – Options Paper Consultation March 2012 identifies the site as a ‘proposed housing option’ site (BL/039) which extends to land north of the site as well. The approximate yield of the ‘proposed housing options’ site is 9 dwellings which has been assessed through the ‘Background Paper: Housing Allocations’ as ‘sites with potential for allocation’. As a result, some weight is also attached to the allocation of this site within emerging policy, which supports development of the site.

Although the existing use of the site is residential, garden land is not defined as previously developed land and can not be considered as such; development of the site therefore only partially meets the priorities set out in Policy 9 (CSS). Despite this, subject to other material considerations being satisfied, the principle of development of the site for housing would be acceptable and is supported at a national level by Policy 6 of the NPPF.

## 2. Design and Character

Policy 6 of the NPPF requires local planning authorities to deliver a wide choice of quality homes. Policy 7 requires development to be of good design which is visually attractive, adds to the overall quality of the area and responds to local character while not preventing or discouraging appropriate innovation. Policy 13 (h) of the CSS requires development to be of a high standard of design and to respect and enhance the character of its surroundings.

The proposal involves the erection of 7 no. bungalows and associated vehicle access to the north of Regent Road. The Road itself is primarily characterised by bungalow and dormer bungalow dwellings which are set back from the highway, whilst to the east of the site terraced properties front Victoria Street.

The bungalows are uncluttered in their appearance and incorporate header and cill detailing to the ground floor fenestration. The properties fronting Regent Road have also been set back from the highway respecting the established building line along the street and maintaining the open appearance to the street. The 7 dwellings would be built at a density of 43 dwellings per hectare which is considered acceptable; making efficient use of the land whilst achieving adequate spacing between plots. Subject to conditions which secure appropriate materials the proposal will be in keeping with surrounding built form. All properties benefit from private gardens with rear access to enable appropriate bin storage within each plot. The submitted plans indicate that a combination of closeboarded fencing and some existing hedging will be utilised for boundary treatments and these details can be appropriately secured through conditions covering hard landscaping and boundary treatment.

In conclusion it is considered that the appearance, scale and mass of the proposed development respects the scale, style and character of the surrounding area and will be compatible within the wider street scene. The proposal, therefore, conforms to Policy 7 of the National Planning Policy Framework and Policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

### 3. Amenity

Policy 13 (l) of the CSS states that development should not have an unacceptable impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The siting and orientation of the dwellings and the single storey nature of the development ensures that there would be no overlooking to neighbouring properties. The relationship between properties is also acceptable. No overbearing or light issues result from the proposal and separation distances between existing and proposed habitable windows are sufficient to protect amenity. It is recommended that a construction management condition is attached to ensure that the construction of the development does not result in unacceptable amenity impacts for neighbouring properties. The proposal therefore accords with Policy 13 (l) of the CSS

### 4. Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire CSS requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and do not have an adverse impact on the highway network.

The proposed private drive would be set towards the west of the site and would serve the four no. two bedroom bungalows to the rear of the plot. The positioning of the drive avoids conflict with Charles Court located opposite the site and the Highway Authority have no objection to the proposal. Each plot benefits from an off road parking space and this level of provision is appropriate given the size and nature of the dwellings proposed and the town centre location of the site. Subject to a condition which ensures that the access and private drive are completed as approved prior to first occupation, and permanently retained in that form thereafter, the proposal complies with Policy 13 (d) and (n) of the CSS.

### 5. Contaminated Land

Policy 11 of the National Planning Policy Framework requires that the Local Planning Authority must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. Policy 13 (CSS) also seeks to ensure development does not cause risk to ground waters or degrade soil quality as well as protect neighbouring amenity in terms of pollution.

Due to the underlying geology present throughout Northamptonshire an investigation is required to assess and quantify any risks to human health associated with any previous potentially contaminative use of the site and/or the underlying geology. Subject to this condition, the proposal is considered to be in accordance with Policy 11 of the NPPF.



## 6. Sustainable Construction and Design

Policy 14 (b) of the CSS requires development to 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 and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

The applicant has submitted a Sustainability and Energy Statement, and a Sustainable Design SPD Checklist which demonstrates how the requirements of the CSS and accompanying SPD would be met by the development. Subject to conditions which secure accordance with these documents and waste storage details to be submitted and approved prior to first occupation, it is considered that Policy 14(b) of the North Northamptonshire Core Spatial Strategy has been met.

## 7. Archaeology

There is potential for remains of archaeological interest to survive on the site and therefore the standard condition for an archaeological programme of works which makes provision for the investigation and recording of any remains that are affected, should be attached. With the inclusion of the standard condition the application accords with criterion o of CCS policy 13 which seeks to conserve and enhance historic built environmental assets and policy 12 of the National Planning Policy Framework

## **Conclusion**

The proposed development is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. The principle of development is established, there would be no unacceptable detrimental impact on neighbouring residential amenity and the design is appropriate. The application is recommended for approval, subject to conditions.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

### **Previous Reports/Minutes**

Ref:

Date:

Richard Marlow, Senior Development Officer on 01536 534316