

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 25/08/2015</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2015/0259</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>159 Beatrice Road, Kettering</b>	
<b>Proposal</b>	<b>Full Application: First floor rear extension and creation of a rear dormer to existing dwelling house. Erection of 2.5 storey semi-detached house in multiple occupation to the southwest side elevation of No.159 Beatrice Road</b>	
<b>Applicant</b>	<b>Mr R Kalunga</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. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing 2 of 2 received by the Local Planning Authority on 30th July 2015.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. 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.

4. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling 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.

5. Prior to first occupation of the building hereby approved, a scheme for boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be first occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of amenity and to protect the privacy of the neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Prior to first occupation of the building hereby approved and notwithstanding the details shown on plan 2 of 2, received by the Local Planning Authority on 30th July 2015, a scheme for the storage of bins shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be first occupied until the approved scheme has been fully implemented, and shall be retained thereafter.

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

7. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.

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

8. 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 Class A shall be made in the southwest elevation of the building hereby approved.

REASON: To protect the amenity and privacy of the occupiers of adjacent property at No.153 Beatrice Road in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

## Officers Report for KET/2015/0259

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

### 3.0 Information

#### **Relevant Planning History**

##### Application Site

None.

##### Adjacent to the Site at No.163

KET/2012/0804. Demolition of existing garage, erection of dwelling and new vehicle access to existing dwelling. Approved 13/02/2013.

- No pre-commencement conditions discharged.
- 2 no. parking spaces within the site for the existing dwellinghouse.
- Parking provided on-street for the new dwellinghouse.

##### No.175 Beatrice Road (formerly Pennell's Guest House)

KET/2013/0738. Change of use from Guest House to C2 Residential Institution. Approved 02/01/2014.

- Condition limiting the occupancy to no more than 7 at any one time.

##### Maplefields School (also the Orchard School)

KET/2005/1015. Northants County Council Application. Installation of a mobile classroom (retrospective). No objection 31/01/2006.

KE/04/0838. Northants County Council Application. Replacement front entrance vehicular gates, pedestrian gate and ancillary fencing panels to form protected secure play area. No objection 02/09/2004.

According to the Department of Education website the school was closed 01/07/2006. The site is currently vacant and there is no planning history for the site after 2005 (as above).

#### **Site Description**

Officer's site inspection was carried out on 16/07/2015 and 21/07/2015.

The application site is located in an established residential estate to the north of Kettering.

The application site is set in a double plot of land on the northwest side of Beatrice Road and a two-storey detached cream render covered dwellinghouse, with a gable roof covered in concrete roof tiles. All windows and doors are dark brown stained or painted wood and there is a flat roofed cream render covered double garage attached to the southwest elevation, which is set back from the front elevation of the dwellinghouse. There is a shallow canopy running the width of the front elevation, above the front door and large set forward wooden windows, which extends to become a car port in front of the attached double garage.

There is a small front garden surrounded by a low red brick wall and a small driveway in front of the double garage which is not quite sufficient to park vehicles clear of the highway (pavement).

The dwellinghouse has a two-storey mono-pitched projection extending along the northeast boundary with the adjacent neighbour at No.163 Beatrice Road, with a single storey mono-pitched element attached to the end of it. There is a large garden to the rear which is surrounded on all sides by a 1.8 metre high wooden panel fence. A large mature willow tree is located in the centre of the garden.

Surrounding development is residential in character and comprises a mix of single and two-storey detached and semi-detached dwellinghouses varying in age from Victorian/Edwardian to modern infill development.

Planning permission has been granted in 2013 for the demolition of the adjacent double garage at No.163 Beatrice Road and a two-storey detached dwellinghouse to be built in its place.

The prevailing character is for on-street parking however, several of the surrounding properties have garages and driveways. There are no parking restrictions on Beatrice Road.

### **Proposed Development**

The proposal as originally submitted was for a first floor rear extension and creation of a rear dormer to the existing dwellinghouse at No.159 Beatrice Road, plus the demolition of the existing double garage on site to facilitate the construction of a 2.5 storey semi-detached dwellinghouse attached to the southwest elevation of No.159. The proposed dwellinghouse will form the handed version of the existing dwellinghouse.

Due to concerns raised over the adequacy of the bin storage provision to the front of the dwellinghouses, amended plans were received with an alley way at ground floor level in between the two properties giving access to a bin storage area in the rear gardens. All neighbours, objectors and consultees were consulted for 7 days on this amendment

Further amendments have been required over the description of the site and the description has been amended to reflect that the construction of the handed property is as a C4 House in Multiple Occupation and not a C3 dwellinghouse.

The proposal is therefore for a first floor rear extension and creation of a rear dormer to the existing dwellinghouse at No.159 Beatrice Road, plus the demolition of the existing double garage on site to facilitate the construction of a 2.5 storey semi-detached house in multiple occupation attached to the southwest elevation of No.159. All neighbours, objectors and consultees have been reconsulted for 7 days on this amendment, and on a parking survey requested by the Highway Authority.

## **Any Constraints Affecting The Site**

None.

## **4.0 Consultation and Customer Impact**

Initial consultation 09/07/2015

### **Highway Authority**

- Parking survey required.

### **Environmental Health**

- No objection.
- Conditions/informatives requested for contaminated land, bin storage, acoustic separation and radon.

### **Neighbours**

4 neighbour **objections** received, summarised as follows:

#### Character and Appearance

- Inappropriate development as bungalows on either side.
- Not in keeping with other properties in the street, which is a mix of detached and semi-detached houses.
- The proposed new property would not be in character with the other dwellings in the street and would cause many problems for existing residents, not just in relation to parking, but also noise.

#### Residential Amenity

- Loss of privacy in our garden, overlooking at us.
- If their garage wall gets knocked down it exposes our garden. We don't want their pet dogs in our garden.
- The proposed new property would cause many problems for existing residents, not just in relation to parking, but also noise.
- The land will be overdeveloped.
- High density dwellings not in keeping with neighbourhood.

#### Parking

- No parking provision. The 3 cars at the existing house already park on the pavement causing obstruction.
- Main concern is the parking problems a separate house with five en-suite rooms would create.

#### Bin Storage

- Bin provision for 10 bedsits probably inadequate.
- No access to put wheelie bins outside the front.

#### Use

- From the plans the property would appear to be intended for use as an HMO.
- The proposed development would make both properties ideal for

bedsits.

#### Other

- Wall outside the front is not theirs.

Comments made regarding the management of the site, noise, untidy land and overcrowding are not material planning considerations.

#### Reconsultation 31/07/2015 – Bin Storage moved from the front to in the rear garden via an alleyway

##### **Highway Authority**

- No comments received. Parking Survey required.

##### **Environmental Health**

- The added alleyway addresses the issue of the bin storage.

##### **Neighbours**

12 letters of **objection** received, summarised as follows:

#### Character and Appearance

- Will be at odds with all others in the street with its use not being characteristic with other properties in the area.
- Bungalow next to 159 (No.163) has already obtained planning permission to build a 3 bedroom house with vehicular access more in keeping with others in the street.

#### Residential Amenity

- The impact of a 2.5 storey semi-detached house to the side will invade our privacy which at present is not intruded upon.
- Two linked 5 bedroom houses amounts to over development.
- Already plans passed for an additional 3 bed house next door to the site, plus the conversion of Pennell's Guest House to a residential care home. With the associated ambulance and doctor visits the street will quickly be overrun with traffic that it is not designed for which will have an adverse effect on the nature and environment of the whole street and its residents.

#### Parking

- Already problems at the Hallwood Road end due to vehicles from FEM Garage being stored there while awaiting repairs. These vehicles then obstruct the road corners making access difficult.
- The former Pennell's Guest House (No.175 Beatrice Road) has yet to reopen in its new role for Mind which could cause further parking issues.
- Noted residents of 159 appear to have taken a parking survey this week but as its Kettering's 'Holiday Period' these figures are at best misleading as the street looks abnormally empty.
- At least 5 families (including 159) have at least 2 vehicles in use.
- There are a number of garages and drives in the street these were mainly constructed in the 1930s and some are no longer wide enough



for modern cars.

- Demolition of the double garage and removal of the existing driveway will eliminate the off-street parking currently available.
- 10 bedrooms and 10 en-suites mean there is potential for 10 individual lettings and 10 extra cars in the street.
- If the lettings are to couples there is the possibility for up to 20 extra vehicles parking in the street.
- Already plans passed for an additional 3 bed house next door to the site, plus the conversion of Pennell's Guest House to a residential care home. With the associated ambulance and doctor visits the street will quickly be overrun with traffic that it is not designed for.

### Use

- According to number of en-suite bedrooms our fear is it is intended to become flats not a private residence in keeping with the rest of the area.
- The proposed development would make both properties ideal for bedsits. This would create the potential for at least 10 people to live in the properties. All could have cars. There is no off road parking.

### Other

- The former Pennell's Garage alongside could also be redeveloped.
- Opposite the site the former school (Maplefields) could also be redeveloped.
- Already planning permission granted to build a dwelling next door to this site.
- Existing house of far lower density and these houses appear to be designed for multiple occupancy given the number of bedrooms with en-suite facilities.
- Maplefields School to be turned into a Community Centre – more issues.

### Reconsultation 12/08/2015 – Change of Description and Parking Survey Submitted

#### **Highway Authority**

- No objection.
- Provision of secure, covered cycle parking would benefit the site greatly.
- The submitted parking survey is considered satisfactory and shows there is adequate on-street provision.
- Suggest conditions in accordance with adopted Standing Advice regarding removal of existing access, bin collection point, control of deleterious materials on the highway, and informatives regarding works affecting the highway and road space.

#### **Environmental Health**

Any comments received will be added to the Committee update.

#### **Environmental Care**

- As HMO's pay one Council Tax bill per household they will only be

entitled to one set of bins (3x 240ltr bins for general, recycling and garden and 1x 55ltr box for paper, per property).

- However, we do recommend that the landlords pay for additional bin capacity as a HMO of five rooms will generate more rubbish than an average household and it will lead to problems with waste building up if adequate storage isn't provided. For two properties of this size I would recommend that they have the following capacity, to service both: 5x 240ltr general waste bins, 5x 240ltr recycling bins (one of these will be for paper), 2x 240ltr garden waste bins.
- The additional recycling bins will be provided free of charge and the landlord would need to pay for the three additional general waste bins.
- The bins will need to be stored in a bin store at the rear of the properties and presented on the highway on collection day. This will be the responsibility of the residents.
- I would have some concerns though as on recycling day this will mean potentially they could be presenting seven bins on the highway.

### **Neighbours**

Any comments received will be added to the Committee update.

## **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

#### **Supplementary Planning Documents**

Sustainable Design SPD

## **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
7. Other Issues

### 1. The Principle of Development

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

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 extensions to residential properties provided there is no adverse impact on character and appearance, residential amenity and the highway network.

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 proposal is in two parts – extensions and alterations to No.159 and demolition of the existing garages for construction of the handed version of No.159.

#### **Extensions and Alterations to No.159**

The proposed alterations are to the front of the existing dwellinghouse to remove the wooden front windows and replace them with a brick front elevation at ground floor level into which three windows, a door, a gated alleyway to the rear and a canopy above the front door are to be added. It is considered that provided the materials used match those on the existing building, the proposed alterations will not significantly change the appearance of the front of the existing dwellinghouse, and will therefore not adversely impact on its character. Given the diversity of styles and palette of materials of development immediately surrounding the application site and in the wider street scene, it is considered that the proposed alterations will not adversely affect the character and appearance of the surrounding development or the

wider street scene.

The rear extension will be at first floor level and will include a decrease in height of the northeast wall of the two-storey rear projection of the property along the boundary with No.163 Beatrice Road, the adjacent neighbour to the northeast. The decrease in height of the wall will facilitate the insertion of a dormer on the rear roof plane. These extensions and alterations are not visible in the public realm and as such will not have an impact on the character and appearance of the existing dwellinghouse, surrounding development or the wider street scene.

Subject to a condition requiring materials to match those on the existing building, this part of the proposal will accord with policy 13(h) of the North Northamptonshire Core Spatial Strategy in that the proposed development respects the character of its surroundings.

### **Proposed 2.5 Storey House in Multiple Occupation**

The proposed building is to be the handed version of the existing dwellinghouse at No.159 Beatrice Road and will be attached to it, resulting in a pair of semi-detached properties.

Objections have been received that the proposed development is inappropriate as there are bungalows either side, not in keeping with other properties in the street, and that the proposal will be overdevelopment of the site.

The properties in Beatrice Road are a diverse mix of styles, ages and palette of materials, and comprise detached and semi-detached, one- and two-storey dwellinghouses, some with garages and off road parking and some with on street parking. There are a variety of plot sizes and there is no overriding character within the street scene.

The application site is a double plot and is considered to be sufficiently large to accommodate the proposed building without creating a cramped appearance within the street scene. The proposal has been designed to reflect the height, proportions, fenestration, roof style and pitch of the existing dwellinghouse at No.159 Beatrice Road to which it is to be attached, and to which it is the mirror image.

As such, provided the materials match those on the existing dwellinghouse at No.159, which can be secured by condition, it is considered that it will not adversely impact on the character and appearance of the existing dwellinghouse, surrounding development or the wider street scene and will not be overdevelopment. This is in accordance with policy 13(h) of the North Northamptonshire Core Spatial Strategy which requires new development to respect 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 is in two parts – extensions and alterations to No.159 and demolition of the existing garages for construction of the handed version of No.159.

### **Extensions and Alterations to No.159**

The proposed alterations to the front elevation replace the existing wooden windows with a brick front elevation at ground floor level into which three windows, a door, a gated alleyway to the rear and a canopy above the front door are to be added. These alterations do not significantly change the front elevation and will introduce a brick wall along the northeast boundary with No.163 Beatrice Road which has a double garage directly adjacent to the application site. As such, it is considered there will be no loss of amenity to the occupiers of No.163 by the alterations to the front elevation.

To the rear, an extension is proposed at first floor level, the height of the existing northeast wall of the two-storey rear projection of the application property, along the boundary with No.163 Beatrice Road, is to be decreased, and a dormer is to be added to the rear roof plane.

The first floor rear extension is within the site and will be shielded from the neighbouring occupiers at No.163 Beatrice Road by the existing two-storey rear projection, thereby leading to no change to the amenities of these neighbours.

Due to the separation distance between the existing dwellinghouse at the site and the adjacent neighbour to the southwest at No.153 Beatrice Road, and the fact that a handed version of the dwellinghouse on site is to infill the land between the two, which has a blank two-storey flank elevation nearest to this neighbour, the alterations and extension proposed to the existing dwellinghouse will not have an adverse effect on the amenities of this neighbour.

The insertion of a dormer in the rear roof plane could be built out as permitted development under Class B of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) as it is not on the principle elevation, does not exceed the highest part of the roof, and the resulting roof space does not exceed the cubic content of the original roof space by 50 cubic metres. The dimensions of the proposed dormer are 5.3 metres wide (w), 2.3 metres deep (d) and 1.4 metres high (h). The volume is calculated as  $(w \times d \times h) \div 2 = 17.066 \div 2 = 8.533$  cubic metres.

The proposed dormer has three windows in it and the window nearest to the adjacent neighbour at No.163 Beatrice Road serves the staircase to the room in the roof, the middle window is for a bedroom and the third window serves an en-suite. It is therefore considered the proposed dormer would not have any adverse impact on the surrounding occupiers over and above that which would be permitted by the GPDO.

As the works are being carried out to the existing dwellinghouse it is not possible to add a condition preventing further openings in the flank (northeast) wall facing the neighbour at No.163 Beatrice Road or the southwest elevation facing the new property but, under Class A of Part 1, Schedule 2, Article 3 of the GPDO, any upper floor windows in a wall or roof slope forming a side elevation of the dwellinghouse must be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, otherwise they require planning permission.

In terms of loss of amenity, noise is not a consideration given that it is an existing dwellinghouse and the proposal is for alterations and extensions to it.

As such, it is considered that the proposed extensions and alterations would not lead to any loss of amenity to surrounding occupiers which is in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy which requires new development not to result in an unacceptable impact on the amenities of neighbouring properties.

### **Proposed 2.5 Storey House in Multiple Occupation**

The proposed building is to be the handed version of the existing dwellinghouse at No.159 Beatrice Road and will be attached to it, resulting in a pair of semi-detached properties.

The proposed property will have a two-storey blank flank elevation abutting the boundary with the adjacent neighbours to the southwest at No.153 Beatrice Road. No 153 Beatrice Road is a large single storey dwellinghouse which has been extensively altered and extended, with a detached double garage nearest to the boundary with the application site. No.153 has two dormers in their northeast roof plane facing the application site, the rear one of which at present has some views into the rear amenity space at the application site. It is considered that at the side wall of the proposed property is adjacent to the existing double garage at No.153, which is set in a large plot of land, it is located far enough from the side elevation of No.153 that there will be no overbearing impact caused by the proposed development.

The new property at the site will form part of the boundary with the neighbour at No.153 Beatrice Road and will replace the current 1.8 metre high wooden panel fence separating the two properties. A condition will be added requiring boundary treatment to be submitted for approval to ensure there is no loss of amenity to this neighbour, or to the occupiers of No.159 when the plot is separated.

In terms of the proximity of the proposed property in relation to No.153, the application site is located to the northeast of No.153, and the orientation in relation to the path of the sun means that any loss of sunlight or daylight will be to the garage immediately adjacent to the application site and the dwellinghouse at No.153 will be in full sun from mid-morning onwards. It is therefore considered there will not be a significant loss of amenity to these

neighbours caused by the new property on site. There will be no loss of daylight or sunlight to other surrounding neighbours by virtue of their separation distance from the application site, or in the case of No.163 to the northeast, by the presence of the existing dwellinghouse in between the proposal and this neighbour.

The new property will be located to the southwest of the existing dwellinghouse on site but will not suffer with a significant loss of daylight or sunlight due to its location in relation to the existing dwellinghouse and the path of the sun.

Several objections have been received from surrounding neighbours in terms of a loss of privacy and noise from the site.

The occupiers of No.146 Kingsley Avenue share the northwest (rear) boundary of the application site have objected stating that their privacy will be invaded, however, as the new property is the handed version of the application site and the separation distance between the rear elevations of each property is in excess of 48 metres, then it is considered the proposed new property will not lead to a loss of privacy to these neighbours over and above that which is already experienced by the presence of an identical property at No.159 Beatrice Road.

The propose dormer in the rear roof plane of the proposal will have three windows in it facing up the rear garden. The window nearest the adjacent neighbour at No.153 serves a staircase to the room in the roof, the middle window is for a bedroom and the third window serves an en-suite. It is considered the use of the stairwell nearest to the adjacent neighbour means there will be no significant overlooking of the private rear amenity space of this neighbour over and above that which would realistically be expected from rear facing first floor and above windows in a reasonably densely populated housing estate. In addition, once approved, the property gains permitted development rights and would be permitted development under Class B of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) as it is not on the principle elevation, does not exceed the highest part of the roof, and the resulting roof space does not exceed the cubic content of the original roof space by 50 cubic metres.

In terms of noise, the existing and proposed properties on site have two-storey flank walls at the boundaries with adjacent neighbours at Nos.153 and 163 Beatrice Road and a large rear garden before reaching the boundary with the properties at the rear of the site.

By virtue of the new property being designed with blank, or non-active, flank walls, any noise will be concentrated towards the centre of the site rather than externally outwards towards surrounding occupiers. To prevent the flank wall of the proposal becoming an active wall, a condition can be added preventing any openings in the southwest (side) elevation of the new property.

It is considered that the proposed new property in itself would not give rise to an increase in noise over and above that which you would reasonably expect in an established residential area.

As the new property is to be attached to the existing dwellinghouse on site, an informative will be added directing the applicants to Building Regulation Approved Document E in relation to resistance to the passage of sound, in order to ensure there is acoustic insulation adequate to minimise airborne and structure borne noise to occupants of both the existing and new properties.

As such, subject to conditions requiring no openings in the southwest elevation of the existing dwellinghouse and boundary treatment, the proposal accords with policy 13(l) of the North Northamptonshire Core Spatial Strategy which 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 application site currently has a double garage on site and a small driveway to the front which is insufficient to accommodate vehicles clear of the highway (pavement). The proposal will remove the garage and driveway from the site which equates to approximately 3 parking spaces, requiring these vehicles to be accommodated within Beatrice Road and surrounding streets.

The prevailing character of this part of Beatrice Road is for on-street parking but several of the surrounding properties have garages and driveways. There are also some non-residential uses in Beatrice Road and the surrounding streets but there are no parking restrictions on Beatrice Road or in the surrounding streets.

In Beatrice Road, there will be space in front of No.159 for the parking of vehicles, and there is space in front of Nos.153 and 163 for the parking of vehicles as each of these has a large frontage and 4 no. parking spaces within their site provided by a double garage with driveway in front. Although planning permission has been granted for a new dwelling at No.163, and there will be a reduction in parking spaces for the existing dwellinghouse from 4 to 2 with no on-site provision for the new dwellinghouse, there will remain the area in front of No.163 to park on the street. The former Maplefields School to the southwest of the application site has a large frontage which can accommodate parking for a number of vehicles.

There have been a number of objections to the submitted scheme in terms of the parking provision for the proposals.

The applicants have submitted a parking survey which covered Beatrice Road,



between the junctions at Hallwood Road and Shakespeare Road, and this has been assessed by the Highway Authority to be sufficient to show that there is adequate on-street parking within the area to accommodate future occupiers of both the existing dwellinghouse and proposed property on site. The Highway Authority requires the existing access to be removed, a cycle storage facility to be provided, and there to be a bin collection point to ensure there is no conflict with highway safety.

The access will be removed by the proposed development of the new property at the site. All that will remain will be the dropped kerb which is outside the application site within the Highway, and therefore it is not reasonable to expect the applicant to carry out unnecessary works within the highway.

The putting out and bringing in of bins is the responsibility of the residents and a bin storage facility is to be provided at the rear of the site, which will be secured by condition.

Each property has a large rear garden which contains sufficient space for the storage of cycles, it is therefore not necessary, or reasonable, to request the provision of a specific area for cycle storage.

As such, it is considered that the proposed scheme will not have an adverse impact on the highway network nor prejudice highway safety in accordance with policy 13(n) of the North Northamptonshire Core Spatial Strategy.

#### 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 and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

No information has been submitted with the proposal and therefore a condition is to be added to secure details to demonstrate that the development is sustainable in respect of location, design, construction, materials, waste management and energy and water efficiency. Accordance with these details can also be secured by a condition requiring the development to be carried out in accordance with the approved plans.

In addition to this, objections have been raised as to the adequacy of the bin storage provision at the site. As an HMO is billed by Council Tax as a single household, they are only entitled to the same refuse and recycling facilities as a dwellinghouse which is 3 no. 240 litre plastic wheeled bins for general waste, dry recycling and garden waste and a 55 litre plastic box for paper, i.e. 6 no bins and 2 no. boxes for the two properties at the site.

The bin storage provision is considered to be adequate to provide this basic requirement however, Environmental Care suggest that an HMO will generate more rubbish than an average household, so for both No.159 and the new property a total of 12 no. 240 litre plastic wheeled bins would provide adequate facilities, and as such, the current storage area submitted with the application would be inadequate for the additional requirement. A condition will therefore be added to request additional storage is provided on site together with a facility at the front of the properties to ensure there is adequate space so as not to cause a highway safety issue.

## 7. Other Issues

### **House in Multiple Occupation**

Objections have been received that the intended use for both the existing dwellinghouse and proposed property are to be used as Houses in Multiple Occupation (HMO).

Class L of Part 3, Schedule 2, Article 3 of the GPDO permits the change of use of small HMOs to dwellinghouses and vice versa.

Therefore the conversion of the existing dwellinghouse at No.159 Beatrice Road is permitted development and outside the control of this application, and only the proposed extensions and alterations fall to be considered.

The construction of the proposed property is being applied for under a C4 use class as a house in multiple occupation, and falls to be considered within the scope of this application.

### **Other**

Comments have also been received regarding the ownership of boundary treatment at the site. This is not a material planning consideration and is a civil matter between the applicants and surrounding site owners. An informative will be added to the decision notice to advise the applicants of the Party Wall etc. Act 1996.

Environmental Health has requested a condition be attached regarding working hours for construction sites, however, this is not considered necessary

given the scale and nature of the proposed development.

### **Conclusion**

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

In this regard the proposed development is strongly supported by the aims and objectives of the Development Plan policies listed in the report, and there are no material considerations which would outweigh the Development Plan subject to the imposition of the recommended planning conditions.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date: