

BOROUGH OF KETTERING

Committee	Full Planning Committee - 05/06/2018	Item No: 5.6
Report Originator	Alison Riches Development Officer	Application No: KET/2018/0188
Wards Affected	Burton Latimer	
Location	Vine Gardens (land adj), Burton Latimer	
Proposal	Full Application: Bungalow and double garage	
Applicant	Mr D Smith Distinction Developments Ltd	

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 listed below.

REASON: In the interest of securing an appropriate form of development in the interests of visual amenity and neighbour amenity in accordance with Policy 8 of the North Northamptonshire Joint Core 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.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

4. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has 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: Finished Floor Levels are necessary prior to commencement to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The development hereby permitted shall not be occupied until vehicle parking spaces have been provided in accordance with the approved details, and those spaces shall thereafter be reserved for the parking, loading and unloading of vehicles.

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

6. No development shall take place on site until a scheme for boundary treatment along the northwest boundary to the northeast of the proposed dwellinghouse, which includes details for the vehicular access arrangements into the site, has been submitted to and approved in writing by the Local Planning Authority. The dwellinghouse shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: The details are required prior to the commencement of development in order to protect the amenities of surrounding occupiers and in the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to first occupation of the dwellinghouse a bin storage area shall be provided within the site, the details of which shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided as approved and shall be used in conjunction with the existing bin collection point located at the top of the private drive, close to junction with Bridle Road.

REASON: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the adjacent dwellinghouses in Vine Gardens as follows:

- Forterra Chelsea Smoked Red bricks
- Marley Eternit Grey Mendip roof tiles

- Rehau S706 70mm cream PVCu windows
- Composite doors
- Marley Eternit Dry Verge Grey
- Black plastic rainwater goods
- Resin gravel drive with block boundary lines and Damson (grey) tegula block paving walkways.

REASON: In the interests of the character and appearance of the area in accordance Policy 8 of the North Northamptonshire Joint Core Strategy.

9. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

10. The dwellinghouse hereby approved shall be constructed to achieve a maximum internal water use of no more than 105 Litres per person per day.

REASON: In the interests of sustainability and energy efficiency in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

11. 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 at first floor level in the southeast elevation of the building.

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

12. 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 building, structure or other alteration permitted by Class B of Part 1 of Schedule 2 of the Order shall be erected other than those expressly authorised by this permission.

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

Officers Report for KET/2018/0188

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

3.0 Information

Relevant Planning History

KET/2016/0714. 3 no bungalows including access, parking and amenity space. Approved 16/12/2016.

KET/2016/0557. 4 no. residential dwellings (2 no. single storey and 2 no. one-and-a-half storey) including access, parking and amenity space. Refused 22/09/2016. Allowed at appeal 14/03/2017.

Site Visit

Officer's site inspection was carried out on 20/04/2018.

Site Description

The application site is located in an established residential area within the town boundary to the west of Burton Latimer.

The site comprises back land development and is made up of the bottom half of the rear garden of No.10 Bridle Road on a rectangular plot measuring 44 metres by 11 metres. The plot is adjacent to existing back land development at Vine Gardens which comprises 4 no. single or one-and-a-half storey dwellinghouses, and is accessed from the end of the private drive between Nos. 1 and 2 Vine Gardens.

The site is surrounded on all sides by 1.8 metre high wooden panel fencing.

Surrounding development in Bridle Road, to the northeast of the application site, comprises a variety of detached and semi-detached single and two-storey dwellinghouses at the front of reasonably large plots of land. The dwellinghouses immediately surrounding the application site on the southwest side of Bridle Road are characterised by having long narrow rear plots and Nos. 1 to 4 (inclusive) Vine Gardens have been built on land formerly the rear gardens of 4 no. dwellinghouses – Nos. 2 to 8 (evens only) Bridle Road.

Proposed Development

The proposal is for a one-and-a-half storey gable roofed dwellinghouse with an associated detached double garage with a pyramid roof. The site is accessed from the end of an existing private drive which serves 4 no. single or one-and-a-half storey similarly designed dwellinghouses in Vine Gardens and an existing single storey dwellinghouse in Bridle Road.

Due to concerns relating to a loss of privacy and overlooking to the adjacent neighbour to the northeast at No.12 Bridle Road, the scheme was amended during the application process to remove a first floor level bedroom window in the side (southeast) elevation, and replace it with a dormer window at first floor level in the front (northeast) roof plane. The dwellinghouse and garage were moved 1 metre

away from the side (southeast) boundary with this neighbour.

The amended plans were reconsulted on for 10 days.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Initial Consultation – 04/04/2018 – 21 days

Burton Latimer Town Council

- No objection.

NCC Highways

- No comments received.

Neighbours

12 Bridle Road

- Objection.
- Trying to fit a bungalow in too tight a space which would result in it being built up against the boundary with a bedroom window overlooking our garden.
- The window will be literally a few feet away.
- We value our privacy and bought the property largely because the garden was not overlooked and was secure in as much as there were gardens on both sides.

Reconsultation – 03/05/2018 – 10 days

Burton Latimer Town Council

- No comments received.

Environmental Health

- No objection.
- Subject to conditions for contaminated land and construction hours and an informative for Radon.

NCC Highways

- Objection.
- Contrary to Policy 15 of Northamptonshire Highway Development Strategy which will not allow more than 5 dwellings independent of their own direct highway frontage to be shared off a shared private drive.

Neighbours

12 Bridle Road

- Objection.
- Remain unhappy with the idea of any window so close to my property.
- I would prefer to have an actual bungalow over the fence than one with a dormer window which will still overlook my property to a large extent.
- A dormer window in the front elevation will only be a few metres from my garden.

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 Joint Core Strategy

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

6.0 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 Design and Energy Efficiency

1. The Principle of Development

The application site is in an established residential area to the west of Burton Latimer.

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. The application site is within the town boundary of Burton Latimer, as defined by Policy 35 of the Local Plan, in an established residential area where Policy 35 is supportive of proposals for residential development in principle.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Burton Latimer as a smaller town is a secondary focal point for smaller scale development.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of extensions to residential properties provided there is no adverse impact on character and appearance, residential amenity and the highway network.

Although the reuse of previously developed land is generally considered a priority for development, Paragraph 17 of the National Planning Policy Framework (NPPF) restricts the development of garden land as this type of land is excluded from the definition of previously developed land. However, the principle for the development of garden land in this area has been established by the granting of planning permission through appeal on the adjacent site for the 4 no. dwellinghouses in Vine Gardens under reference KET/2016/0557 and as such the principle for development is established subject to the satisfaction of the Development Plan criteria as discussed below.

2. Character and Appearance

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

The proposed dwellinghouse will not be visible in the public realm in Bridle Road and has been designed to reflect the character and appearance of the 4 no. dwellinghouses on the adjacent site in Vine Gardens which were granted planning permission on appeal under reference KET/2016/0557 on 14/03/2017, and which are almost completed.

The application proposal is one-and-a-half storeys high and is adjacent to No.2 Vine Gardens to the northwest of the application site which is also one-and-a-half storeys high, and is of almost identical design and footprint to the proposed scheme. A similar plot size has also been provided.

The land at the site is has been levelled and is generally the same as the land levels in Vine Gardens, however, there is a decrease in general land levels in a northeast to southwest direction by approximately 4 metres from Bridle Road to the bottom of the site. As such, a condition will be added to ensure that the levels at the site do not adversely impact on the character of the surrounding area. A condition will also be added to secure the use of the materials used on the adjacent dwellinghouses in Vine Gardens and as such it is considered that as the proposal is back land development it will not adversely impact on the character and appearance of surrounding development or the wider area.

An additional condition will be added requiring the development to be carried out in accordance with the approved plans and details.

As such, it is considered the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The proposed dwellinghouse is back land development behind No.10 Bridle Road and includes a detached double garage with a pyramid roof close to the northeast boundary of the site with No.10.

The proposed dwellinghouse has a low profile and is almost identical in its design to the adjacent dwellinghouse at No.2 Vine Gardens. There is also a separation distance of approximately 25 metres from the rear elevation of the proposal to the rear elevation of No.28 Sandpiper Close which is a two-storey dwellinghouse, and a separation distance of approximately 32 metres from the rear elevation of No.10 Bridle Road and the rear elevation of the proposed garage.

An objection was received from No.12 Bridle Road to the northeast of the application site which has a long narrow rear garden plot which shares the southeast (side) boundary of the application site. The original proposal abutted the boundary with this neighbour and contained a first floor level window in the southeast (side) elevation which the neighbour considered would lead to a loss of privacy and overlooking. To address this objection, amended plans were received which moved the proposed dwellinghouse and garage 1 metre away from the boundary with this neighbour and removed the first floor level window in the side elevation and replaced it with a dormer window in the front (northeast) roof plane.

It is considered that the relocation of the window to the front of the property overcomes this objection. This is together with the fact that there is a separation distance of approximately 64 metres between the proposed front dormer and the rear first floor windows of No.12, and the proposed garage is in between the two elevations. As such, it is considered that, subject to a condition preventing further openings in the southeast (side) elevation of the proposal, there will be no adverse impact on the amenities of either future occupiers of the site or the adjacent neighbour at No.12 Bridle Road.

To keep the application site secure there is already a 1.8 metre high wooden panel fence all round it and this is considered acceptable for the privacy of future and existing occupiers, however, the northwest (side) boundary adjacent to Nos.1 and 2 Vine Close will need to be modified to provide the vehicular access and driveway to the site and visibility splays. Details of this boundary treatment can be secured by condition to ensure there is no adverse impact on the amenities of future and surrounding occupiers.

With respect to the Technical Housing Standards - Nationally Described Space Standards (March 2015), a 3 bedroomed 6 person 2 storey dwellinghouse (3b6p) requires the following:

- A Gross Internal Area (GIA) of 102m²,
- Bedrooms providing 2 bedspaces require a floor area of at least 11.5m²,
- One double or twin bedroom must be at least 2.75m wide and every other double or twin bedroom at least 2.55m wide.
- The headroom must be 1.5m or more for the areas to be counted.

The proposal has the following dimensions:

- The GIA is 123.28m²,
- Bedroom 1 has an area of 13.69m² and a width of 3.7m,
- Bedroom 2 has an area of 13.08m² and a width of 3.5m,
- Bedroom 3 has an area of 13.30m² and a width of 3.5m

Bedrooms 2 and 3 are in the roof area and the measurements were taken where the headroom measured 1.5 metres or above.

As such, the proposal complies with the Technical Housing Standards - Nationally Described Space Standards (March 2015) and there result in there being no loss of amenity for future occupiers.

In line with the planning permission granted by KET/2016/0557 for the adjacent 4 No. dwellings in Vine Close, a condition will be added to remove permitted development rights for the enlargement of the dwellinghouse by alteration or addition to the roof as covered by Class B of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

It is considered that the addition of a dwellinghouse to the existing development in Vine Gardens will not lead to an adverse impact on the amenities of surrounding or future occupiers by virtue of additional traffic movements and general comings and goings. The proposal also ensures an acceptable amount of private outside space for future occupiers as well as there being sufficient resultant space for the occupiers of No.10 Bridle Road.

With respect to bins, there is adequate space within the site for the storage of bins and the location of the storage facility can be secured by condition. There is a bin collection point at the top of the access drive for the other 4 no. dwellinghouses in Vine Close and this is considered to be an acceptable location for the bins for the proposed dwellinghouse on collection day.

Subject to conditions preventing further openings, the removal of permitted development for Class B, modifications to the northwest boundary treatments and bin storage, it is considered the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Parking and Highway Safety

Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The proposed dwellinghouse is located behind No.10 Bridle Road and is adjacent to a development of 4 no dwellinghouses in Vine Gardens. The vehicular access from the property is onto an existing private drive which serves the 4 no. existing dwellinghouses in Vine Gardens and has been created from the former driveway of No.8 Bridle Road. The parking for No.8 Bridle Road is in front of the property and although this can also be accessed from the top of the private drive, the dropped kerb extends most of the way across the parking area in front of the house and as such, this dwellinghouse has its own access onto Bridle Road.

The Local Highway Authority has registered an objection to the proposal stating that it is contrary to Policy 15 of the Northamptonshire Highway Development Management Strategy (NHDMS). Policy 15 of the NHDMS does not allow more than 5 dwellings independent of their own direct highway frontage to be served off a

shared private drive.

The NHDMS was adopted by the County Council in December 2013. The policy has not been adopted by Kettering Borough Council, it is used purely for guidance in highway matters along with the also unadopted Local Highway Authority Standing Advice (June 2016).

Due to the extended dropped kerb in front of No.8, the private drive will serve the 4 no. dwellinghouses in Vine Gardens plus the proposed dwellinghouse which means the private drive will serve 5 no. properties which is in line with the requirements of the Local Highway Authority.

With respect to the proposal, a double garage is proposed with 3 no. parking spaces provided in front of it and sufficient space within the site to turn vehicles so they exit in a forward direction. The private drive exits onto Bridle Road which is a one-way street and as such, it is considered that the additional vehicles and traffic movements generated as a result of the proposal will not significantly impact on the highway network or adversely impact on highway safety.

This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

5. Contaminated Land

Policy 6 of the North Northamptonshire Joint Core Strategy requires new development to be mitigated by remediation strategies in the event of any land contamination.

Although the application site is formerly garden land for No.10 Bridle Road, Environmental Health has advised that the land within the site is Northamptonshire sand which contains high levels of naturally occurring arsenic.

As well as arsenic, the underlying geology present throughout Northamptonshire means that levels of naturally occurring arsenic, as well as 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 9 of the North Northamptonshire Joint Core requires new development to incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. This includes measures which limit water use to

no more than 105 litres/person/day.

Policy 30 of the North Northamptonshire Joint Core Strategy requires new development to meet Category 2 of the proposed National Accessibility Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities.

No details have been submitted as part of this application and information in this regard can be required by condition.

Conclusion

Subject to the imposition of conditions relating to materials, accordance with approved plans, boundary treatment, bin storage, no windows at first floor level in the southwest elevation, and removal of permitted development rights for alterations and extensions to the roof, the proposal accords with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: