

BOROUGH OF KETTERING

Committee	Full Planning Committee - 31/07/2018	Item No: 5.11
Report Originator	Ruth James Assistant Development Officer	Application No: KET/2018/0432
Wards Affected	All Saints	
Location	50 Beatrice Road, Kettering	
Proposal	Full Application: Detached dwelling with new garage for no. 50	
Applicant	Mr C Early	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority for

a) The development and associated works relating to the new garage to the front of no. 50 Beatrice Road

b) The development and associated works relating to the new dwelling

The development shall not be carried out other than in accordance with the approved details.

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

3. The development hereby permitted shall not be carried out other than in accordance with the amended approved plans and details listed in the table below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination.

A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

5. The windows to the bathrooms located in the east elevation of the dwelling as shown on drawing numbers SK11 Rev B and SK10 Rev A shall be obscure glazed and top opening only.

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

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme indicating the positions, design, materials and type of screen walls, railings and fences to be erected. These details to include the dwarf wall, railings and proposed gate along the front northern boundary. The boundary treatment shall be erected as approved before the dwelling is first occupied and shall be retained thereafter.

REASON: In the interests of the privacy of the occupiers of nearby residential properties, in the interests of highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. 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: 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.

8. The private access shall be hardsurfaced with a non-granular material for at least the first 5.0 metres from the highway boundary. The gradient over this distance shall not exceed 1 in 15.

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

9. A positive means of drainage shall be provided to ensure that surface water from the vehicular access does not discharge onto the highway. These measures shall be implemented before the development is brought into use and thereafter maintained.

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

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in any elevation or roof plane of the building.

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

11. No development shall take place until a Construction Method Statements have been submitted to and approved in writing by the Local Planning Authority for

a) The development and associated works relating to the new garage to the front of no. 50 Beatrice Road

b) The development and associated works relating to the new dwelling

The approved Statements shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority. The Statement shall detail the following:

The excavation and removal of the earth from the site and construction and alteration of the retaining walls required along neighbouring boundaries

Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles

Measures to control the emission of dust and dirt during construction;

The parking and turning of vehicles of site operatives.

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

12. Construction and engineering works, construction traffic, related deliveries to the site and any work undertaken by contractors and sub contractors shall not take place outside of the hours: Monday to Friday 08.00 to 18.00 hrs and Saturday 08.30 to 13.30 and shall not occur at any time whatsoever on Sundays or Public/Bank Holidays.

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

13. Before the construction of the new dwelling 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 9 of the North Northamptonshire Joint Core Strategy

Officers Report for KET/2018/0432

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

3.0 Information

Relevant Planning History

KET/2010/0622 - Extension of time KET/2007/0825 (New dwelling and garage to existing dwelling) Approved 18/11/2010.

KET/2007/0825 - New dwelling and garage to existing dwelling. Approved 09/11/2007

KET/2007/0437 - 1 no. two storey new dwelling with integral garage. Alterations to access. New detached, pitched roofed, double garage for existing dwelling (No 50 Beatrice Road). Withdrawn 23/07/2007

Site Description

Officer's site inspection was carried out on 21/06/2018. The application site is situated to the north of Kettering Town in an established residential area comprising a mix of property types including bungalows, inter-war semi detached properties, 1960's asymmetrical roofed dwellings and modern infill development. A warehouse site is situated on the corner of Beatrice Road in close proximity to the application site and the former Kettering Football Ground site is located to the east.

No. 50 Beatrice Road, is comprised of a large detached property that is located to the eastern side of a double width plot and set back from the front. There is good sized garden space to the front and rear of this property, which is elevated above the neighbouring properties to the southwest, due to the rising slope of the road from southwest to northeast.

The plot for the proposed new dwelling is to the southwest side of no. 50, and is currently comprised of garden land for this property, which contains a flat roofed garage to the front and a swimming pool to the rear. In front of the garage there is space for one vehicle to be parked clear of the highway and a painted rendered boundary wall of approximately 2 metres in height forms the front boundary treatment for no. 50 joining with the garage; on street parking is also available.

In addition to the slope of the adjacent highway the development site also slopes upwards from northwest to southeast. The southwest boundary with no. 16 Beatrice Road is comprised of a 1.5 metre high wooden pannelled fence, however the same boundary when viewed from no. 16's rear garden, is significantly higher being positioned on top of a 1.2 metre retaining wall to the rear end of the garden, due to the rising land levels.

To the rear of no. 50 are the rear gardens of no's 51 and 55 Britannia Road and this southeast boundary is screened by mature planting and trees.

Proposed Development

This proposal is for the development of a detached 3 bedroom dwelling on existing garden land and parking area belonging to No.50 Beatrice Road. The proposed dwelling comprises a pitched roof with varying eaves height on either side of the development to replicate the 1960's style properties opposite the site and take into account the height of the neighbouring bungalow to the western side which has a lower eaves height in comparison to the surrounding two storey properties.

The scheme also includes a proposal for a detached garage to the existing property, which will be situated in front of the dwelling and will replace the current garage and parking area, which will be used for an off road parking area for the proposed dwelling. New front boundary treatments are also included.

The submitted plans show a single point of access for the existing property and the proposed development which is to be located centrally along the site frontage. The existing garden land is to be split into two, forming separate rear gardens with a new boundary fence running between the two sites. The existing swimming pool on site is to be infilled in order to extend the amount of lawn area for the new development.

Any Constraints Affecting the Site

Within the Nene Valley Nature Improvement Area (NIA) Boundary

4.0 Consultation and Customer Impact

Kettering Borough Council Environmental Health Department

Response received 12th July 2018. Comments requesting conditions relating to construction hours and contaminated land.

Neighbours.

Notifications were sent out to neighbouring occupiers and a site notice was erected. Responses from two addresses were received.

Comments received from the occupants of no. 54 Beatrice Road:

- Objection: overshadowing impact to the small window on the west elevation of no. 54 from the new garage.

Comments received from the occupants of no. 16 Beatrice Road:

- Objection: concerns regarding the excavation of earth from the site, the close proximity to their property and the quantity of earth being removed to achieve the proposed land levels; dirt and noise disruptions during the build; overlooking from the front entrance of the new dwelling; height of the boundary fence at the highway end.

5.0 Planning Policy

National Planning Policy Framework

Core 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 Joint Core Strategy

Policy 4. Biodiversity and Geodiversity

Policy 6: Development on brownfield land and land affected by contamination.

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

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

Saved Policies in the Local Plan for Kettering Borough

Saved Policy 35. Within Towns

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Planning History
2. Principle of development
3. Design, character and appearance
4. Residential amenity
5. Highways and parking
6. Contaminated land
7. Sustainable Construction and Energy Efficiency
8. Nene Valley Nature Improvement Area

1. Planning History

In 2007 a planning application for a proposed dwelling on this site was submitted under KET/2007/0437. The proposal raised a number of concerns including the design, height and potential impact upon the amenity of neighbouring occupiers. Negotiations were entered into for a more appropriate form of development which resulted in an amended scheme which was submitted and granted consent in 2007 under planning reference KET/2007/0825. The time limit for commencement was extended in 2010 under KET/2010/0622 but the scheme remained unbuilt and the time period for commencement expired.

This application is an exact resubmission of the approved 2007 application, however since its approval there have been both national and local policy changes with the introduction of the National Planning Policy Framework in 2012 and the adoption of the North Northamptonshire Joint Core Strategy in 2016. The scheme has therefore been reconsidered in accordance with the current local and national policies.

Due to a clerical error on the part of the applicant two of the originally submitted drawings SK11 Rev A and SK13 were submitted in error as these were not the approved 2007 versions. The 2007 approved drawings of SK11 Rev B, which amended the visibility spays for the new access and SK13 Rev B which amended the pitch of the roof for the proposed garage lowering its height, were subsequently received on 20th July 2018. A further consultation was not carried out as the differences in the drawings were small and not considered to have any negative impact upon amenity.

2. Principle of development

The application site is located in an established residential area to the northeast of Kettering within the town boundary and on the south side of Beatrice Road.

The principle of proposing a residential property within town confines is consistent with saved Local Plan Policy 35, Policy 29 of the North Northamptonshire Joint Core Strategy (JCS) and guidance contained within the National Planning Policy Framework (NPPF) which seeks to focus development in towns in the interest of sustainability and to safeguard rural areas.

Paragraph 49 of the NPPF states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Policy 11 of the JCS directs development towards the growth town of Kettering. Policy 29 of the JCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

Policy 8 of the JCS is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy; there should be no adverse impact on character and appearance, residential amenity and the highway network. These matters are considered further below.

Other planning permissions are also a material consideration and approval was given in 2007 for a new dwelling, but this was never commenced and the time period has now expired.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

3. Design, character and appearance

Policy 7 of the NPPF requires good design while Policy 8(d) of the JCS requires development to be of a high standard of design, architecture and landscaping and to respect and enhance the character of its surroundings.

The division of the site currently occupied by no. 50 Beatrice Road would provide a long development plot of approximately 42 metres with a width of 9.5 metres. The design of the proposed dwelling would follow a similar building line to the properties located along this side of Beatrice Road (albeit that No.50 Beatrice Road is set much further back from the neighbouring sites). However, No.50 Beatrice Road appears to sit side onto the highway with its frontage facing into the side of the garden but this position and design is an anomaly within the street scene and it is considered that the position of the proposed dwelling fits much more appropriately into the local streetscape.

The plans illustrate the alteration of the land levels in order to show the building at a lower ground level which takes into account the height and position of the neighbouring bungalow no. 16 Beatrice Road, to the west of the site. Its design would create a 'step down' appearance along the row of properties and a staggered roof height, which fits into the context of its local surroundings without appearing dominant or overbearing in relation to the neighbouring sites.

The design of the proposed dwelling on its western side replicates the eaves height of the bungalow at no. 16 and so fits appropriately into the context of its immediate surroundings. Due to the variety and mix of properties within this vicinity, it is accepted that the proposed form of development would not appear out of keeping with the character of the area, as there are so many different forms of development.

Due to the double width size of the plot currently occupied by no. 50 Beatrice Road and its generous length of over 40 metres, its division will still maintain a good sized rear garden area of approximately 258m² for no. 50 Beatrice Road and provide for a rear garden area of 161m² for the new dwelling. As such this ensures a good standard of amenity for existing and future occupants of both dwellings and would be in accordance with the core principles of the National Planning Policy Framework.

With respect to the development of the proposed garage, although a garage development in such a prominent location is generally resisted due to the emphasis it places on the provision of car parking, in this instance, the siting of the garage is considered to be acceptable as it follows the original building line of the street and is situated in front of the side elevation of the existing property and therefore does not interrupt/detract from the frontage of the property which faces side onto the site.

The proposed scheme is considered to comply with Policy 7 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy, in that the new development responds to the site's immediate and wider context and local character and is of good design and subject to it being constructed of suitable materials, which can be requested by condition, the proposal is considered to be acceptable.

4. Residential amenity

Policy 8 e) of the JCS requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed dwelling would be located to the northeast side of the plot, on the newly created boundary with no. 50 Beatrice Road. This would give a separation distance just 1.75 metres between the two bay windows on the southwest side elevation of the existing property and the northeast side elevation of the new dwelling. In order to help mitigate potential amenity impacts upon no. 50, the ground levels of the application site would be lowered ensuring that the eaves and overall roof height of the proposed dwelling would be lower than the existing property at no. 50 with the roof pitch sloping away from this neighbouring dwelling. This lowering of the land levels of the site would also ensure that the immediate outlook for the first floor bay window of the existing dwelling would be retained, although there would be outlook and potential overshadowing impacts for the ground floor bay window. However the ground floor room of the existing dwelling contains another large window in its southeast elevation and as daylight levels and outlook for this window would be unaffected this would help to keep the impacts upon this habitable room to an acceptable level.

The proposed dwelling has been designed to avoid any habitable room windows facing toward No.50 Beatrice Road. The windows proposed in the northeast elevation are to non-habitable rooms which can be conditioned to include obscure glazing and restricted to top opening only. Although it is accepted that amenity levels for No.50 would be affected by the development of the dwelling, it is considered that this limitation is not so significant as to warrant refusal of this application.

On the southwest side of the new dwelling the eaves height of the roof replicates the eaves height of the bungalow at no. 16. This means that the first floor rooms are located within the roof space of the new dwelling and are positioned along the northeast half of the property in order to allow for the varying eaves height and alleviate potential issues of an overbearing nature for this neighbouring bungalow to the southwest. Fenestration for the ground floor rooms along the southwest side of the new dwelling would be provided by main windows that face over the rear garden and towards the front highway. Additional light would be provided by roof lights over these rooms, avoiding the necessity to position windows facing towards no. 16. The one exception is the entrance to the new dwelling which, although faces towards no. 16 is recessed back and set away from the boundary with this property.

The occupants of number 16 have objected to the proposed scheme and provided comments raising the following concerns:

- Overlooking from the front entrance of the new dwelling
- The excavation of earth from the site, in particular the quantity of earth being removed to achieve the proposed land levels and the close proximity to their property.
- Dirt and noise disruptions during the build
- The height of the boundary fence at the highway end.

Care has been taken in the design of the new dwelling to minimise residential amenity impacts upon the bungalow at no.16. An entrance is not a habitable room but a passing place and the setting back of the front entrance of the new dwelling provides a separation distance of 4.8 metres between the entrance and the side

elevation of this neighbouring property. Additionally the proposed 1.8 metre high timber panelled shiplap fencing for the boundary would help keep potential overlooking impacts from the new dwelling's entrance to an acceptable level.

The design of the new dwelling includes a lowered eaves height to its southwest side in order to overcome the potential reduction in daylight levels to the bungalow which presently sits on a lower land level and has a number of habitable room windows within its side elevation which face directly onto the site. The reduced eaves height therefore helps to minimise the loss of light to neighbouring bungalow and alleviate the overbearing relationship a two-storey dwelling would have created.

It is recognised that in order to achieve the required land levels for the site, engineering works would need to be undertaken to remove a significant amount of earth from the site. Conditions to control disruptions from dirt and noise during the build and for the provision of a Construction Management Plan can be applied to address these works and the neighbours' concerns. In regards to the structural integrity of the works along the boundary; these would be controlled under current building control regulations.

Clarification was sought from the applicant in regard to the boundary fence. The replacement timber panelled fence shown on drawing SK11 Rev B dated 20th July 2018, will run as far as the existing side gate entrance to no. 16. Beyond this there is an existing wall which is stepped down in height to provide clear visibility when exiting no. 16 and this is to be retained.

The proposed scheme includes the provision of a detached garage to the existing property, which will be situated in front of the dwelling and will replace the current garage and parking area. The occupants of no. 54 Beatrice Road have objected raising concerns that the garage will overshadow the small window to the west elevation of the property. The window is a secondary window which serves the living room for this neighbouring property. Amended plans were provided in 2007 to reduce the height of the garage and thus its dominant appearance in such a prominent location. Drawing SK13 Rev B received on 20th July 2018 shows an alteration to the pitch of the garage roof from 35 degrees to 22.5 degrees. This alteration has reduced its ridge height from 4.3 metres to 3.9 metres. Furthermore the area to the front of no. 50 Beatrice Road is currently raised and comprised of garden lawn. In order to facilitate the new garage and parking area the land level would be reduced, which will further lessen the impact of the new garage.

It is therefore considered that the proposed development is in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon the amenities of neighbouring properties

5. Highways and parking

Policy 8(b) (ii) of the North Northamptonshire Joint Core 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.

Standing highway advice stipulates that a formal consultation for a single new dwelling is not required. Highway implications for the scheme have however been considered and the plans show the required standards for a shared access and pedestrian visibility splays have been met. The scheme includes gates along the site frontage which would be comprised of iron railings, so visibility will be satisfactory for both pedestrians and vehicles using both the site and the highway. Although it is accepted that manoeuvring on site may be difficult, it is my opinion that the sliding gate mechanism will not adversely affect the ability of cars to reverse, exit and turn and therefore the provision of gates is deemed an acceptable part of the development.

The existing dwelling would retain off road parking and the proposed dwelling also would provide parking clear of the highway. On street parking is also available along Beatrice Road. As such, it is considered that the proposal will not lead to an adverse impact on the highway network or highway safety in that it will provide adequate parking in accordance with Highway Standards and is therefore in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. 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 would 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.

7. Sustainable Construction and Energy Efficiency.

Policy 9 of the JCS requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. The policy requires all residential development to incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day.

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. A condition will be applied to secure details of how the development will incorporate these techniques.

8. Nene Valley Nature Improvement Area

The application site is within the NIA boundary, however, the application site is in an established residential area and the proposed scheme is small and on an already developed site. It is considered the small scale of the development proposed will

have no any adverse impact on existing wildlife or the improvement of the Nene Valley.

Conclusion

The dwelling has been carefully designed to ensure minimal impact to neighbouring residential properties with respect to amenity and although the development will result in some limitations with respect to overshadowing and immediate outlook, subject to conditions, overall the proposed scheme is considered to be an acceptable form of development which will not adversely impact to the extent that it would warrant a sustainable reason for refusal and is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Ruth James, Assistant Development Officer on 01536 534316