

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/12/2013	Item No: 5.3
Report Originator	Alan Davies Development Officer	Application No: KET/2013/0506
Wards Affected	Desborough Loatland	
Location	71 Braybrooke Road (land behind), Desborough	
Proposal	Full Application: 4 no. dwellings with new access	
Applicant	Mr V Vasiliou	

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. Approval of the details of the appearance including the roof shape and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: In order to secure a satisfactory development.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. Due to 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.

Development on land affected by contamination:

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.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR

11'(or any model procedures revoking and replacing those model procedures with or without modification.

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, 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 13 of the North Northamptonshire Core Spatial Strategy.

6. The dwellings hereby approved shall be a maximum of two storey (9.1 metres) in height with a maximum eaves height of 5 metres.

REASON: To prevent overlooking of or an overbearing impact upon the surrounding residential properties in accordance with Policy 13 of the North Northants Core Spatial Strategy.

7. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

9. 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.

10. 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 protect the privacy of the occupiers of adjoining properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The species to be used shall be native species only. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

12. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

13. Prior to first occupation of the dwellings hereby approved one bird box shall be installed in each of the rear gardens of each of the four dwellings. These shall be a mix of open-fronted and 32mm entrance hole types.

REASON: To contribute to a net gain in biodiversity on site in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2013/0506

3.0 Information

Relevant Planning History

KET/2012/0174 – 4 no. semi-detached dwellings. Withdrawn 15/08/2012.

KET/2011/0621 – 4 no. semi-detached dwellings. Withdrawn 12/12/2011.

Site Description

Officer's site inspection was carried out on 14/08/2013.

The application site lies on the south side of Braybrooke Road, Desborough. It is accessed from Braybrooke Road, a classified C road, by a narrow grassed access in between 71 and 73a. This access is approximately 3 metres wide. The site consists of the access and parts of the three former back gardens of 67, 69 and 71 Braybrooke Road, which have been fenced off separately to create this development site. Therefore surrounding the site are the rear gardens of various dwellings, the closest of which is the rear extension to 71 Braybrooke Road, which is 10 metres to the north of the application site.

Proposed Development

It is proposed to construct 4 semi-detached 3 bedroom dwellings accessed from Braybrooke Road by a 4.8 metre wide private drive. The application is outline and at this stage matters of appearance and landscaping are reserved. The proposed layout shows 2 parking spaces in front of each of the proposed dwellings and each dwelling will have a rear garden measuring 11 metres by 5 metres approximately. The width of each of the two semi-detached blocks will be 9.5 metres with a height of 9 metres to the ridge. The depth of each property will be approximately 9.2 metres.

Any Constraints Affecting the Site

C Road

4.0 Consultation and Customer Impact

Town Council

No response received.

Highway Authority

No objection provided that the cobbled areas of the access shown on drawing KA13165/01 are removed so that two vehicles can access and egress safely from the site.

Environmental Health

No objection. However, due to 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 further investigation being carried out. Therefore a condition to ensure that the site is thoroughly investigated for contamination and mitigation implemented is proposed.

Local Wildlife Trust

No objection. The report by Conservation Constructions is considered to be both acceptable and satisfactory in the circumstances here. We recommend the ecologists recommendations in the report are followed to deliver a net gain in biodiversity, such as maximizing the use of native species in the soft landscaping for the site.

Neighbours

Three objections from neighbouring residents have been received. Reasons for objecting include:

- Loss of privacy/overlooking
- Potential presence of protected species
- Increased traffic/parking issues
- Impact on wildlife/biodiversity
- Detrimental impact upon character of the area

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

1995 Local Plan for Kettering Borough

Policy 35. Residential development within towns

SPGs

North Northamptonshire Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Wildlife/biodiversity
3. Design, character and appearance
4. Residential amenity
5. Highway safety/access
6. Contaminated land
7. Sustainable construction

1. Principle of development

The site is former garden land associated with 67, 69 and 71 Braybrooke Road which has been separated off from the existing rear gardens sometime since 2005. The access to the site will be from an existing private drive that accesses 73 Braybrooke Road. National planning guidance in the National Planning Policy Framework states in Paragraph 53 that Local Planning Authorities should develop policies to resist the inappropriate development of residential gardens where development would cause harm to the local area.

Kettering Borough Council does not have a local policy on the development of residential gardens and none are proposed at the time of writing this report. For clarification, Annexe 2 of the National Planning Policy Framework confirms that residential gardens are not brownfield land and therefore must be considered as greenfield sites. That said, Policy 35 of the 1995 Local Plan for Kettering Borough, along with Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy all direct residential development to existing towns such as Desborough and given that this site falls within the town boundary it is considered that local planning policy supports the development of this site provided that it can be demonstrated that it will not result in harm to the local area.

The possible harm this proposal could result in includes its impact upon highway safety, residential amenity, biodiversity and the character of the area. It is considered that this proposal will not have a harmful impact upon the local area and these issues are discussed in greater detail in the subsequent sections of this report. Whilst the proposal will result in what would according to national planning guidance constitutes greenfield development it complies with the spatial objectives of the Development Plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

2. Wildlife/biodiversity

Following objections to the proposal on the basis that there is a badger presence on site an Ecological Walkover Survey Report has been produced by 'Conservation Constructions'. The report included a detailed survey of the existing garage/workshop for bats and breeding birds and a walkover survey for evidence of ecological interest undertaken by a qualified ecologist and holder of a Natural England species licence for bats, great crested newts and dormice. The conclusions that there were no trees or suitable buildings on site that would provide a bat habitat and therefore no further bat surveys are required. There was no evidence of breeding birds, badger, fox or hedgehog.

Following this it was concluded that the site should be undertaken outside of the bird breeding season as the overgrown nature of the site would be attractive to breeding birds. Further recommendations, such as the inclusion of a bird box for each of the proposed dwellings, the use of native species planting and external lighting should be directional only were made. The Local Wildlife Trust considers that the conclusions of the report are acceptable and that the ecologists own recommendations should be followed. Provided this is the case the proposal is considered to accord with Policy 13 of the North Northamptonshire Core Spatial Strategy as it would not result in unacceptable harm upon local biodiversity.

3. Design, character and appearance

The development site will not be visible from Braybrooke Road as the existing dwellings to the north of the site will completely shield the proposal from view. It is proposed to access the development from an existing private drive and this will not alter the morphological character of the area. Whilst this proposal is back land development, which can sometimes detrimentally alter the character of the surrounding area, there are several nearby examples of such development including 73b and 73c and 85, 85A and 87 Braybrooke Road. Again, the development is hidden from view from Braybrooke Road itself and the developments do not visually impact the surrounding area.

To ensure that the proposal does not visually impact the character of the area a condition restricting the number of storeys, roof shape and height of the dwellings, is proposed. Taking all of these factors into account the character and appearance of the surrounding area will remain unaffected by the proposal. The character of the local area is mixed and includes both low density detached dwellings and higher density terraced properties. As such the number of dwellings proposed for this site in this location is deemed to be appropriate when compared to the surrounding character and context. It will not result in the perceived overdevelopment of the area and therefore is considered to accord with Sections 6 and 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of design, density and availability of a wide choice of housing.

4. Residential amenity

A number of third party objection letters raise amenity issues as matters of concern in respect of this proposal. Scale, access and layout are all a matter for consideration at this outline stage. All other details are reserved. The submitted plans show an indicative layout of the proposed development showing the position of the development in relation to the surrounding area. The main elevations of the proposed dwellings face towards the existing vehicular access to 73 Braybrooke Road and in the distance the rear garden of 73a Braybrooke Road. The nearest neighbouring properties are 67, 69 and 71 Braybrooke Road which are to the north of the proposed dwelling.

The side gable elevation of the proposed property, indicated as No.1 on drawing KA13165/01, faces onto the rear gardens of 67, 69 and 71. The development of the site will result in approximately 12 metre long gardens for 67, 69 and 71 Braybrooke Road. Therefore direct 'back to back' overlooking is avoided. It is considered that the indicative layout of the scheme satisfactorily addresses residential amenity issues and illustrates that an acceptable development scheme can be achieved on the site which will not compromise light and privacy for existing future residents and thus is considered to accord with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Highway safety/access

The application demonstrates that the site will be accessed from Braybrooke Road by an existing private drive that provides access to 73 Braybrooke Road. The access drive will therefore provide vehicular and pedestrian access to a total of 5 dwellings. The drive has been designed to ensure that the occupants of the proposed dwellings and the existing dwelling, no. 73, will be able to exit the site safely. The access point onto Braybrooke Road is wide enough for one vehicle to enter whilst another exits the private drive.

The Local Highways Authority have confirmed that the access complies with Standing Advice for Local Planning Authorities, although the proposal will not be able to fully provide the necessary pedestrian visibility splay on the west side of the vehicular access point. The width of the access and the fact that the pedestrian visibility splay to the east can be provided is considered sufficient to ensure that vehicles will be able to safely exit the site with pedestrians in full view. Therefore whilst the proposed access does not fully comply with local Standing Advice, it will not result in a detrimental impact upon local highway safety as required by Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Contaminated land

The underlying geology of the area exhibits unacceptable levels of naturally occurring arsenic. A condition is therefore attached which requires investigation of the levels of underlying contamination at site

and for any remediation measures identified to be carried out in full. The compliance with the condition will ensure that the development of this site will not have a detrimental impact upon the health of future occupants of the proposed buildings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Sustainable construction

No details have been submitted with the application in respect of the sustainability of the proposal and how it will comply with Policy 14 of the North Northamptonshire Core Spatial Strategy. A condition is therefore proposed requiring details to be submitted so that the sustainability of the scheme can be assessed including measures such as rainwater harvesting and possible on-site energy generation. Provided sufficient provision is identified for the site it is considered that the proposal will accord with Policy 14 of the North Northamptonshire Core Spatial Strategy.

Conclusion

The application complies with the Development Plan and follows national planning objectives. The principle of development is deemed to be acceptable in this instance. Subject to the imposition of conditions the application is recommended to Members for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Alan Davies, Development Officer on 01536 534316