

BOROUGH OF KETTERING

Committee	Full Planning Committee - 23/09/2014	Item No: 5.1
Report Originator	Trevor Feary Development Officer	Application No: KET/2013/0837
Wards Affected	Barton	
Location	Grendon Drive (land off), Barton Seagrave	
Proposal	Full Application: 9 no. dwellings with associated roads and external works	
Applicant	Hid Estates 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. 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.

3. The window at first floor level in the side elevation of proposed plot 8 which faces towards 115, Barton Road shall be glazed with obscure glass and shall be top opening only and shall thereafter be permanently retained in that form.

REASON: To protect the privacy of the adjoining property.

4. No development shall take place on the Application Site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. Such scheme to include the external boundaries of the site as well as the internal division of the proposed plots. The proposed

dwellings 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 neighbouring occupiers and the development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. 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 approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling. 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.

6. No development shall commence on site until details of measures to be taken to prevent spoil or mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully implemented before the development commences and shall be retained for the duration of the construction period.

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

7. 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 C 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: 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.

Officers Report for KET/2013/0837

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

3.0 Information

Relevant Planning History

On Application Site

KET/2009/0399 Residential Development of 8 number dwellings with associated parking. (Full Application) Withdrawn before being made valid – no work carried out on file.

Adjacent

KET/2006/1070 29 Dwellings and associated roads and car parking (Reserved Matters) Approved 14/03/2007

Site Description

Officer's site inspection was carried out on 05/02/2014

The Application Site extends to some 0.27 hectares in size and comprises of the end section of the rear gardens of three dwellings which front onto Barton Road. These dwellings and their retained garden areas will form the Western Boundary of the site. Along the Northern Boundary is further garden land, whilst the Eastern boundary is currently in agricultural use. The Southern boundary abuts upon the Grendon Drive estate where there is presently three dwellings located. The Grendon Drive estate road is also located here. Being garden land the Application Site is basically formed of grassed areas, vegetable plots and orchards.

Proposed Development (Amended Drawings)

The submission is to extend the existing estate of 29 dwellings by a further 9 dwellings, in a (non extendable) cul-de-sac arrangement. The dwellings are of 5 types: type A (plot 3) being a 2 storey 3 bedroom dwelling, type B (plots 4 and 5) 2 storey 4 bedroom dwellings, type C (plot 6) a 2 storey 4 bedroom dwelling, type D (plots 2,7,8,9) 2 storey 3 bedroom dwellings, type E (plot 1) a 2 storey 4 bedroom dwelling. Plot 1 has a double garage (with a "hobby room" in the roof space) with 2 standing spaces to the fore, plot 2 has a detached garage with 2 standing spaces to the fore, plots 3 and 4 share a detached double garage with standing spaces to the fore, plots 5 and 6 have detached garages with 2 standing spaces to the fore, plots 7 and 8 share a double garage with a standing spaces to the fore, plot 9 has a partially attached garage with a standing space to the fore. Plots 5 to 8 inclusive are served via a private court. (roadway).

The landscaping details indicate some of the existing trees being retained and front boundary treatment via new hedging is shown to some plots.

Any Constraints Affecting The Site

A Road
Bldg works more than h/h extn
Dev. 5 or more dwellings

4.0 Consultation and Customer Impact

Parish/Town Council

Originally the Parish Council had “No objections” to the submission but on being reconsulted upon the amended drawings has raised the following objections:

- the revised plans do not appear to show adequate provisions for off road parking
- the plans are poorly presented with boundaries not clearly defined.
- With the increased flow of traffic on the A6003 from the East Kettering development, the additional housing will present an increased traffic hazard at the Grendon Drive junction.

NCC Highway Authority (Trans and Highways)

Confirms that the physical layout of Grendon Drive is now known to be in accordance with the intentions for the original estate and the relevant specifications.

The amended layout is acceptable.

NCC Highway Authority (Walking and Cycling)

No response received

Northamptonshire Fire & Rescue

No response received

Environmental Health (KBC)

Requests that contamination Condition be imposed.

Natural England

Natural England is satisfied that the Southfield Farm Marsh Site of Special Scientific Interest will not be damaged or destroyed by the development.

Local Wildlife Trust

No response received

Neighbours

5 Grendon Drive (original plans – no response to revised plans)

- parking and actually driving along Grendon Drive is a struggle at the best of times: how is heavy building machinery going to cope.
- Already overpopulated street which will not be safe with extra traffic.
- We need access to our house at all times
- Site entrance is on our door-step which will cause parking

problems

- Son is terrified of loud noises
- Son has asthma and will be affected by dust and mess
- Will not be able to use back garden because of construction noise.
- Were told in 2008 when purchased their house would be end plot and no further building would take place.
- Affect on value of property.
- What about existing wildlife within application site
- How will development affect drainage?

4 Grendon Drive (original and revised plans)

- Purchased in 2009 and understood to be a small development of 29 dwellings; Land Search confirmed no other building works were planned for the area.
- chose this property as could park on frontage and on highway adjacent rear gate.
- Parking within area is at a premium
- narrow road not designed to be used to take this type of development, every proposed property has spaces for several cars.
- applicants' would not sell their land at time of this estate development.
- how will builders lorries etc get out of such a narrow area.
- existing residents park down left hand side of road leaving it single track.
- overlooking and loss of privacy to house and garden
- there is not a shortage of homes in the area.
- another access point should be found to serve the proposal

9 Grendon Drive (original plans)

- Plots 5 and 6 have first floor windows overlooking
- number 9 was built to alternative design to avoid overlooking adjacent dwellings' gardens (those now proposed to be built on).
- gardens and garages of plots 4, 5 and 6 will create noise disturbance due to proximity.
- concerned at current levels of parking and access along Grendon Drive
- plot 6 is behind building line established by 16 Grendon Drive.
- have previously requested pedestrian crossing to access schools and facilities.

(Revised plans)

Whilst overlooking and siting of plot 6 have been dealt with the amendments mean:

- plot 6 garage virtually backs onto rear garden spoiling the aspect
- plots 4 and 5 still have 1st floor windows overlooking objector's property and garden

(all other objections to the original plans remain)

2 Grendon Drive (original plans – no response was received regarding revised plans)

- Doesn't overly object as will have little impact on house/location. However, plans do not take into account the ransom strip retained with original estate.

115 Barton Road (2 letters – original plans)

- negative impact on amenity through loss of privacy: especially pool room.
- not shown extent and position of objector's living spaces on submitted drawings
- lacks sufficient landscaping.
- Land currently floods at lower half of site.

(Revised Plans)

- Boundary fence heights are not clearly shown
- Proposed plot 8 has a landing window close to mutual boundary and which should be obscure glazed.

5.0 Planning Policy

National Planning Policy Framework

Para 17	Core Planning Principles
Section 6	Delivering a wide choice of high quality homes
Section 7	Requiring good design
Section 11	Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1	Strengthening the network of settlements
Policy 7	Delivering housing
Policy 9	Distribution and location of development
Policy 10	Distribution of housing
Policy 13	General sustainable development principles

Local Plan (Saved Policies)

Policy 35	Housing within towns
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Emerging Policies (Local Development Framework)

Kettering East allocation

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact upon Highway Safety
3. Layout and appearance of the proposal
4. Impact on existing residents' amenity

1. Principle of development

National planning policy in the NPPF is a material consideration in planning decisions. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. Paragraphs 6 and 7 detail that the purpose of the planning system is to contribute to the achievement of sustainable development which has economic, social and environmental dimensions.

Policy 1 of the North Northamptonshire Core Spatial Strategy directs development to existing urban areas

The Application site is made up of part of the rear gardens of three existing dwellings which themselves front onto Barton Road, and has a common boundary with the adjacent estate known as Grendon Drive. Both the Application site and the Grendon Drive estate lie within the "town boundary" as denoted within the 1995 Local Plan and as defined within Policy 35 of the Local Plan

The land immediately to the East of the application site will form part of the proposed "Kettering East" development.

In view of the above it is clear that the Application Site is located within an area where in principle residential development has to be considered acceptable, subject to all other material considerations as outlined below.

2. Impact upon highway safety

The proposed 9 dwellings are to be accessed via the highway of the existing Grendon Drive estate. For reasons relating to the standard of the existing junction onto Barton Road, together with the limitations of the estate road in its width and internal radii, the Parish Council and a number of the existing estate residents have objected to this intention. However, the Local Highway Authority has not pointed out any deficiencies in the junction's construction or raised any objections to it serving this number of further dwellings. There can be no objection, therefore, to the proposal in this regard.

Equally, despite the observations of the existing residents regarding past information they have been given, the existing estate road highway does lead to and reach the mutual boundary with the Application Site indicating a distinct intention of extending the existing estate into the

Application Site at some time.

The existing residents are concerned that existing parking on the estate highway by current residents and which impedes the free flow of traffic is a problem. However, this is not an issue which can be taken into account within Town Planning and if such parking is an obstruction can be dealt with under other Legislation. Every house on the existing estate has off street parking available. In the same vein neither is the issue of potential construction utilising the existing estate road a problem since it is a public highway.

The issue of the internal radii of the estate road has been investigated by the Local Highway Authority and the radii have been accepted as being of suitable standard as not to prevent the development proceeding.

Policy 13 (d) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards. Policy 13(n) requires development not to have an adverse impact on the highway network or to prejudice highway safety. In the light of all the above the submission satisfactorily addresses these issues and there can be no highway objections to Grendon Drive being utilised to provide sole vehicular and pedestrian access to the site.

3. Layout and appearance of the proposal

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings. This is in accordance with Para 17 of the National Planning Policy Framework which requires the Local Planning Authority to seek to secure a high quality of design in new development, Section 7 of the Framework provides greater detail stating that good design is a key aspect of sustainable development, which is indivisible from good planning

The Local Highway Authority has not raised any issues with the amended layout of the estate now submitted; accordingly in highway terms the layout is acceptable.

The originally submitted layout was considered by Officers earlier and at which time a number of elements were criticised, e.g.

- highway dominated with poor parking solutions
- poor visual end stops to highways
- too many prominent blank gables to the proposed dwellings
- small gardens for some plots relative to size of dwellings
- front boundaries need definition.
- Turning head too short for use by refuse vehicles

- Some buildings too close to back of highway
- Poor views out for occupiers of some dwellings

These elements have all been discussed with the Applicants on a number of occasions with various amended drawings being provided. Officers are now of the opinion that a satisfactory layout of the estate has been achieved and which can be supported. Additionally, more variety has been achieved regarding the bulk and appearance of the dwellings proposed and these elements are also now considered to be satisfactory.

There will be a loss of the majority of the fruit trees within the application site due to their locations and any development would require their removal in whichever manner the proposed estate was designed. These trees are not of significant visual amenity and accordingly although their loss is perhaps regrettable it is regarded as being acceptable. New soft landscaping can be the requirement of any Planning Permission granted but because of the manner of the proposed development is only likely to be hedging and small shrubs.

The amended layout and designs now achieve a satisfactory standard in accordance with the above quoted Policies and are acceptable.

4. Impact upon existing residents' amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires that development will not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking. Paragraph 17 of the National Planning Policy Framework (Core Planning Principles) states Planning should 'always seek to secure ... a good standard of amenity for all existing and future occupiers of land and buildings.'

The above mentioned discussions included the potential impact on the amenities on the four dwellings abutting the boundaries of the proposal (1 dwelling which fronts Barton Road and 3 dwellings within the existing estate), all of whom raised representations as outlined above.

As a result of the negotiations with the Applicant significant changes have been made to the proposed dwelling and its garages on plot 1 to the extent I am satisfied that the amenities of 115 Barton Road are now sufficiently protected from any overlooking or domination/overshadowing. The boundary treatment here can be clarified by Condition, as can the landing window for proposed plot 8.

The proposed dwellings have practically no impact upon the amenities of number 5 Grendon Drive.

There is potential for overlooking into the rear garden of number 4 Grendon Drive from the bedroom windows of the dwelling proposed for

plot 3. The potential is however at an acute angle, very limited and similar to situations found within other developments, and accordingly is insufficient to warrant amending the submission.

In so far as 9 Grendon Drive is concerned it is obviously not unusual to have gardens adjoining other gardens, but in this case there will be 3 separate gardens abutting onto the boundary of number 9. Even so, it is not considered that the use of these proposed gardens will be so detrimental to the amenities of the existing dwelling that rejection of the submission on this ground could be adequately supported. The same goes for the use of the proposed garages for these plots. The only overlooking into the rear garden of number 9 Grendon Drive immediately to the rear of that dwelling (in fact overlooking most of the rear garden) is from the single rear bedroom window of proposed plot 5 - from a distance of 12 to 13 metres away and "squeezed" between the roofs of two of the proposed garages. A distance which is considered to be acceptable.

The Applicant is aware of the potential "ransom strip" and this is a private matter in any event.

The proposals satisfactorily deal with these issues in accordance with adopted Policy.

Conclusion

The submission as now amended is acceptable since it accords with both National and particularly Local Planning Policy as embodied within Policies 1 and 13 of the North Northamptonshire Core Spatial Strategy. The scheme is in keeping with the character of the area and raises no unacceptable adverse implications for residential amenity or highway safety.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Trevor Feary, Development Officer on 01536 534316