

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 07/04/2015</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Andrew Smith Senior Development Officer</b>	<b>Application No: KET/2015/0029</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>16 Greening Road, Rothwell</b>	
<b>Proposal</b>	<b>Full Application: Demolition of bungalow. Erection of 2 no. two storey detached dwellings</b>	
<b>Applicant</b>	<b>Mr &amp; Mrs Smith</b>	

### **1. PURPOSE OF REPORT**

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

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

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 referenced as follows: 2994 1A; 2994 2; 2994 3A; 2994 4A; 2994 5C; 2994 6A; 2994 7A; 2994 8A; 2994 9A; 2994 10A; 2994 11A; 2994 12.

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

3. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 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,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the National Planning Policy Framework.

4. 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.

5. 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.

6. In accordance with approved plan 2994 5C, prior to the first occupation of the development visibility splays of 2.4 metres by 2.4 metres shall be provided to either side of the car parking spaces hereby approved at their junction with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Development shall be implemented in full accordance with the 'construction', 'heating/hot water/electrics' and 'waste collection' initiatives outlined within the Sustainability Appraisal and Energy Statement hereby approved and, where applicable, shall be retained in accordance with these approved initiatives at all times thereafter.

REASON: To ensure a sustainable form of development in compliance with Policy 14 of the North Northamptonshire Core Spatial Strategy and the guidance contained within the NPPF.

8. The ground floor windows where serving WC areas on the north elevation of Plot 1 and south elevation of Plot 2 shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of future occupiers and to prevent overlooking in compliance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. All first floor windows on the north and south side elevations of both Plot 1 and Plot 2 shall be glazed with obscured glass and be non-opening wherever sited less than 1.7m above the floor of the room in which each window is installed and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in compliance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2015/0029**

This application is reported for Committee decision because the application requires an agreement under s.106.

### **3.0 Information**

#### **Relevant Planning History**

None.

#### **Site Description**

Officer's site inspection was carried out on 28/01/2015.

The site measures approximately 16m in width and 50m in length and is currently occupied by a brick built bungalow and two standalone garages. These buildings are situated to the eastern side of the site, i.e. adjacent to Greening Road. The area is typified by a variety of detached and semi-detached residential properties. All properties located within the immediate vicinity of the application site are two stories in height.

#### **Proposed Development**

It is proposed that the existing bungalow and garages be demolished and replaced by 2no. two-storey detached houses, each with off-street parking spaces for two cars and private gardens and amenity space. One of the proposed properties would have four bedrooms and the other would have three bedrooms.

#### **Any Constraints Affecting the Site**

None.

### **4.0 Consultation and Customer Impact**

**Rothwell Town Council:** No objection, but a condition should be attached to any approval to prohibit construction vehicles from parking on Greening Road, which is a busy route.

**Highway Authority:** Revised drawings have addressed several issues (including the annotation 2.4m x 2.4m pedestrian visibility splays. Parking spaces would however need to exit over a speed cushion; reversing manoeuvres would hold the potential to cause damage to both vehicles and speed cushions. Furthermore, to the detriment of highway safety, drivers would likely concentrate upon manoeuvres rather than other traffic and pedestrians. A solution would be to replace the cushions with a level speed table.

**KBC Environmental Health:** No comments received.

**Neighbours:** Notification letters were sent out to close proximity neighbours. 2no. responses were received and can be summarised as follows:

*14 Greening Road:* The existing fence between No. 14 and No. 16 is in a poor state of repair. A new sustainable fence should be erected as part of the proposals in the interests of protecting the privacy of No. 14.

*9 Greening Road:* No adverse comments in respect to the overall design of the scheme, but an observation is made that the properties would be set in close proximity to each other and to neighbouring properties so as to possibly offer a cramped appearance. Greening Road is a busy road so adequate car parking should be provided to guard against vehicles being parked on the road.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

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 13. General Sustainable Development Principles

#### **Local Plan**

35. Housing: Within Towns

## **6.0 Financial/Resource Implications**

S106 – off-site highway works requested by Local Highway Authority (i.e. the replacement of speed cushions with a speed table to the frontage of the site on Greening Road).

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle
2. Design & Visual Appearance
3. Residential Amenity
4. Access & Highways
5. Sustainability

### **1. Principle**

The site is located within the settlement boundary of Rothwell and upon a street typified by residential properties. It is considered that the scheme – by virtue of providing further residential development within a defined settlement boundary – would strengthen the network of settlements existent within the Borough in compliance with Policy 1 of the Core Spatial Strategy.

## 2. Design & Visual Appearance

The site, which currently contains a detached bungalow and standalone garages, represents an anomaly in the streetscene. The area is typified by a variety of detached and semi-detached properties – all of which are two stories in height and typically built with minimal separation distances (i.e. between opposing side elevations). The scheme, which would introduce two-storey development in the form of 2no. separate units that would be built in close proximity to each other (0.8m separation distance) and be set in line with the front building line of adjoining plots. In this context it is felt that the scheme respects and enhances the character of its surroundings; a cramped visual appearance would not ensue.

The detailed design of the individual units would reference the traditional character and existing built features of adjacent properties, particularly through the provision of hipped roof elements, the use of external-facing brick work and render and the provision of two-storey bay window features to the front facing elevations of the proposed properties. Interesting and varied street-facing elevations would be created. The scheme is considered to be compliant with Policy 13 (h) of the Core Spatial Strategy.

## 3. Residential Amenity

To the immediate southern side of the site, Plot 1 would be constructed 1.3m away from (and parallel with) a new two-storey dwelling that is currently being constructed at No.22 Greening Road. This is at an advanced stage in its construction. The ground floor extent of the newly proposed Plot 1 would extend approximately 2.2m to the rear beyond the 2-storey extent of the property at No.22. This 2.2m distance equates to about half the length of the single-storey brick-built sun room that has been constructed at No.22. The first floor extent of Plot 1 would extend only marginally further to the rear in comparison to the 2-storey extent of the property at No.22 (by approximately 0.5m). A boundary treatment scheme has been agreed at No.22, this has yet to be implemented but consists of a mixture of 1.8m close-boarded fencing and bow top steel fencing to its northern boundary.

It is considered that the amenities of the future occupiers of the property at No.22 would be safeguarded as a result of the proposed scheme. It would appear that the proposed rear building lines of the ground and first floor

extents of Plot 1 have been carefully selected to minimise any potential overbearing or overshadowing effects. The situation is aided by the orientation of the site whereby the proposed development would be situated the immediate north of No.22 and would therefore not have an adverse impact in terms of blocking natural sunlight. It is not considered that Plot 1 would be overbearing by virtue of its main bulk (i.e. 2-storey form) being positioned immediately parallel to the side elevation of the new dwelling at No.22. In this side area the north-facing elevation of the property No.22 is afforded 3no. small-sized window openings (2no. of which will be obscure glazed and the other being a secondary window to the property's lounge); it is not considered that the construction of Plot 1 would unduly impact upon the amenities of occupiers at No.22 in this context.

It is also felt that the boundary treatment that has been agreed to No.22 is important to note in the context of mitigating potential overlooking and in the context of considering the scheme's impact upon outlook from No.22. The newly proposed side-facing window opening at ground floor would face an intervening 1.8m close boarded fence. The sizeable window openings that are afforded to the single-storey rear element of the property at No.22 also face on to this close-boarded fencing to be erected. Therefore it is considered that the construction of a 2.2m extent of single-storey building (orientated to the rear and mono-pitched with a ridge height of 3.5m and eaves height of 2.4m) would not unduly impact upon the outlook available from No.22.

To the immediate north of the application site is situated the property and grounds of No.14 Greening Road. This is a detached 2-storey property with an integral single garage and rear conservatory. The garage element of the property is situated to the southern side of its grounds (so as to abut the northern boundary of the application site). A 5m separation distance would therefore be in existence between the built extent of the proposed Plot 2 and the habitable area of No. 14 (including its conservatory). Furthermore, the full 2no. storey extent of Plot 2 would extend only 1m further to the rear when compared to the adjacent garage.

In the site context described in the preceding paragraph, and notwithstanding the southern position of the development site in comparison to No. 14 Greening Road, it is not considered that an overbearing nor overshadowing relationship would ensue. As a further note, the only north-facing window opening to Plot 2 would serve a bathroom area at first floor level – this can be conditioned to be obscure-glazed.

A comment has been received from the occupier of No.14 Greening Road in respect to the poor state of the existing side boundary treatment that is in



place between the application site and No.14. In the interests of safeguarding privacy and amenity an appropriately worded planning condition should be attached to any consent to secure full detail (and subsequent implementation) of the treatment of the external and internal boundaries of the site.

The living environments that would be provided for the future occupants of the scheme would be acceptable. Both proposed properties would be afforded sizeable rear garden areas with ample space for the storage of refuse and recyclables. Opposing side elevation window openings would be obscure-glazed where necessary whilst all habitable rooms would be afforded some form of natural light and outlook.

It is considered that the scheme would satisfactorily safeguard the amenities of neighbouring occupiers and of the future occupants of the development site in compliance with Policy 13(l) of the Core Spatial Strategy.

#### 4. Access & Highways

The applicant has produced a site plan to demonstrate that 2no. off-street car parking spaces would be provided to the frontage of the site for each newly proposed dwelling. The spaces would be set square to the highway and be afforded 2.4m x 2.4m pedestrian visibility splays. An additional extent of dropped kerb is required to serve the additional areas of hard-standing that are proposed. An appropriate licence from the Local Highway Authority would be required to undertake such works.

The Local Highway Authority has highlighted highway safety concerns in respect to the current existence of speed cushions to the immediate frontage of the proposed Plot 2 on-site. These would interfere with access to and egress from the site, to the detriment of highway safety given that drivers would be required to concentrate on manoeuvring over/around the cushions rather than concentrate on other highway users. The solution – which the applicant has agreed to – is to remove the cushions and install a speed table across the full width of the road. A speed table would offer a raised height that would tie-in with the full kerb height at either side of the carriageway (therefore providing a level threshold for manoeuvres into and out of the site).

The implementation of the speed table would occur upon the public highway and would therefore need to be secured via a S106 legal agreement. The agreement would be structured to either secure a monetary payment of £10,000 to the Council that would be transferred to the Local Highway Authority to undertake the works, or the implementation of the necessary works by an approved highways contractor (in accordance with full details to be approved by the Council prior to the commencement of works). The

scheme as a whole, by virtue of the agreement of these further works, would not prejudice highway safety in compliance with Policy 13 (n) of the Core Spatial Strategy.

#### 5. Sustainability

The applicant has committed to the installation of a number of sustainability measures within their submission. The submitted Sustainability Appraisal and Energy Statement alludes to water efficiency measures, recycling provision on site and the installation of solar panels to the roof of each proposed dwelling (these are shown on the submitted elevations to the south-facing roof slope of each property). In the interests of securing a sustainable form of development a planning condition should be appended to any consent to ensure compliance with the submitted Sustainability Appraisal and Energy Statement.

#### Conclusion

The proposed development would appropriately reflect the character of its surroundings, safeguard surrounding residential amenity and not prejudice highway safety in compliance with Policy 13 of the North Northamptonshire Core Spatial Strategy and the guidance contained within the National Planning Policy Framework subject to the satisfactory completion of a S106 legal agreement to secure necessary off-site highway works.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Andrew Smith, Senior Development Officer on 01536  
534316

#### **Previous Reports/Minutes**

Ref:

Date: