

## BOROUGH OF KETTERING

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| <b>Committee</b>         | <b>Full Planning Committee - 30/06/2015</b>              | <b>Item No: 5.7</b>                      |
| <b>Report Originator</b> | <b>Marie Down<br/>Development Officer</b>                | <b>Application No:<br/>KET/2015/0303</b> |
| <b>Wards Affected</b>    | <b>Burton Latimer</b>                                    |  |
| <b>Location</b>          | <b>58 Finedon Road (land to rear of), Burton Latimer</b> |  |
| <b>Proposal</b>          | <b>Full Application: 1 no. bungalow</b>                  |  |
| <b>Applicant</b>         | <b>Mr &amp; Mrs B Ojideagu</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 the following Condition(s):-

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

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

2. The development hereby approved shall not be carried out other than in accordance with drawing number E0002-03-Rev B received by the Local Planning Authority on 29/04/2015.

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

3. 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: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. 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: Details of boundary treatment are necessary prior to the commencement of development in the interest of the amenity and protecting the privacy of neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, C, D and E of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: In the interest of the privacy and amenities of the adjoining properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

#### A Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

#### B. Submission of Remediation Scheme

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

#### C. Implementation of Approved Remediation Scheme

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

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

#### D. Reporting of Unexpected Contamination

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

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

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy 11 of the National Planning Policy Framework.

7. Prior to first occupation of the development hereby permitted a Sustainability Strategy and Energy Statement and SPD Checklist shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out 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.

8. Prior to occupation of the development hereby permitted, the means of vehicular access shall be paved with a hard bound surface for the first 5.5m from the highway boundary such surfacing shall thereafter be retained. The maximum gradient over the 5.5m distance shall not exceed 1 in 15.

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

9. Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from the vehicular access [or private land] does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.

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

10. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards away from the highway.

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

## **Officers Report for KET/2015/0303**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2015/0112 – Demolition of existing garage and the construction of a pair of semi-detached bungalows on land to the rear – Withdrawn

KE/1987/0806 – Rear extension – Approved

KE/1984/0336 – Extension to dwelling – Approved

#### **Site Description**

Officer's site inspection was carried out on 15/05/2015. The application site is located on the western side of Finedon Road, on land to the rear of No. 58. No. 58 is a detached bungalow which is set back from the road with a driveway to the south. The application site forms part of the residential curtilage of No. 58 Finedon Road and a detached garage is located in the south western corner of the site at the end of the driveway. The remainder of the site is laid to lawn and separated from the main garden of No. 58 by a 2 metre high close boarded fence and one mature evergreen tree. There is a public footpath to the north of the site and this boundary is marked by a 1.8 metre high brick wall topped with close boarded fencing. The boundary to the west is enclosed by mature leylandii trees.

Finedon Road is characterised by a variety of house types including detached and semi-detached two storey dwellings and bungalows. The character of the area, however, is entirely residential in nature. Directly south of the application site is a relatively recent development of 3 no. two storey dwellings which were constructed on land to the rear of No. 60 Finedon Road. One no. two storey dwelling was also constructed to the south of No. 60 as part of this development which is known as Finedon Close. Planning permission has been granted for a development of 35 no. dwellings on the opposite side of Finedon Road, to the south east of the application site. Outline planning permission has also been granted for 69 no. dwellings at Bosworth's Garden Centre located to the south/south-west of the site.

#### **Proposed Development**

The proposal involves the demolition of the existing garage and the erection of 1 no. detached bungalow on land to the rear of No. 58 Finedon Road.

#### **Any Constraints Affecting The Site**

C Road

Nene Valley NIA Boundary

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

#### **Town Council**

Observation form received from the Town Council on 01/06/2015. As the form

was only partially completed it is not known what observation the Council wishes to make on the proposal. Clarification was sought from the Town Council on 05/06/2015 and this will be reported in the Committee update.

### **Highway Authority**

#### Comments on the original scheme received 11/05/2015:

The applicant has not provided adequate information to allow the Highway Authority to make a full assessment of the proposal. In its present form the proposals are unacceptable for highway safety reasons and a new proposed site plan is required which adheres to the Highway Authority requirements as follows:

- The access does not show pedestrian visibility and in its current layout a car would exit the site tight to the boundary with no visibility of pedestrians or vehicles. Splays can be achieved by realigning and narrowing the vehicular space within the driveway.
- Access to parking and turning for the host property has not been shown; this information is required to ensure the host property is not deteriorating in its allocation.
- Vehicular visibility splays should be shown to the nearside kerb in each direction, not the centre of the carriageway.
- The new dwelling will be over 45 metres from the highway boundary and will require access to be available to the emergency services.
- No changes should be made to the Public Right of Way to the north of the site without prior permission of the Local Highway Authority.

#### Comments on the amended scheme received 12/06/2015:

The applicant has not provided adequate information to allow the Highway Authority to make a full assessment of the proposal. In its present form the proposals are unacceptable for highway safety reasons and a new proposed site plan is required which addresses the following:

- Access to parking and turning for the host property has not been shown; this information is required to ensure the host property is not deteriorating in its allocation.
- Vehicular visibility splays are to be shown to the nearside kerb in each direction, not the centre of the carriageway.
- The new dwelling will be over 45 metres from the highway boundary and will require access to be available to the emergency services.

Should the local planning authority be minded to approve the application it is recommended that a number of standard conditions be applied.

### **Environmental Health**

No objection subject to the application of conditions relating to contaminated land and working hours for construction sites and an informative relating to radon.

### **Environmental Care**

No comments received.

## **Neighbours**

One objection received from the occupier of No. 4 Finedon Close on the following grounds:

- There is insufficient room for vehicle access leading to a risk of further forced parking on Finedon Road.
- The access road does not appear wide enough for two cars to pass.
- Currently vehicles park either side of the junction of Finedon Close and Finedon Road blocking visibility splays, making this exit dangerous due to blind spots. The pavement is impeded for the use of wheelchairs or prams and further development will cause further parking issues especially with the new development to be constructed on the opposite side of Finedon Road.

One objection received from the occupier of No. 60 Finedon Road on the following grounds:

- The development will lead to more traffic on Finedon Road which is already very busy. The extra traffic will cause more noise and disturbance in the area and the road is already in a poor state and more cars using this would be detrimental.
- The dwelling is not needed as there are already 35 dwellings due to be built on the land opposite.
- Development will add to the strain of the drainage in the area.
- There have already been a significant number of houses built on the land adjacent to the proposed building and another building would cause an unacceptable high density of living which would cause more noise and loss of character.
- The development would result in the loss of a large evergreen tree causing a loss of habitat for local wildlife. Its removal will add to the loss of character to the area. Many trees on land adjacent have already been lost due to building loss of evergreen would result in loss of privacy to the side of No. 60 Finedon Road.
- Already subject to a significant amount of noise pollution from newly built houses to the rear and to the side (Finedon Close). The extra building will add to the noise pollution of traffic and living to an unacceptable level.

Following re-consultation on the amended site layout requested by the Highway Authority this objection was resubmitted.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles

Policy 6 – Delivering a Wide Choice of 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 and Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

### **Local Plan**

Policy 35 – Housing: Within Towns

## **6.0 Financial/Resource Implications**

None.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Impact on Character
3. Impact on Neighbouring Amenity
4. Parking and Highway Safety
5. Trees
6. Contaminated Land
7. Sustainable Construction and Energy Efficiency
8. Other Matters

### **1. Principle of Development**

The application site is located in an established residential area within the town boundary of Burton Latimer as defined by Policy 35 of the Local Plan. The site forms part of the residential curtilage of No. 58 Finedon Road. Policies 1 and 10 of the North Northamptonshire Core Spatial Strategy (CSS) direct development principally towards urban growth towns, with secondary focal points for development in the smaller towns. Burton Latimer is identified as a secondary focal point for growth in the CSS.

Policy 9 of the CSS states that priority will be given to the reuse of suitable previously developed land and buildings, principally within urban areas. Paragraph 17 of the National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed. Annex 2 of the NPPF classifies garden land as previously undeveloped land and paragraph 53 states that local planning authorities should consider resisting inappropriate development of residential gardens, particularly where development would cause harm to the local area. Although this removes garden land as a priority for development it does not necessarily preclude the development of garden land. Therefore, it is considered that the proposal is acceptable in principle provided the proposal conforms to other policies and subject to the satisfaction of other material considerations against which

development proposals are assessed. This is discussed in further detail below.

## 2. Design and Impact on Character

Policy 7 of the NPPF requires good design while Policy 13 (h) of the CSS requires development to be of a high standard of design, architecture and landscaping and to respect and enhance the character of its surroundings.

The application site is located within an established residential area that contains a variety of dwelling styles including bungalows and two storey dwellings. The site comprises garden land located to the rear of No. 58 Finedon Road. No. 58 is a detached bungalow, set back from the road with a relatively substantial rear garden which has been subdivided by a 2 metre high close boarded fence. The proposal involves the demolition of the detached garage located in the south western corner of the site and the construction of 1 no. detached bungalow.

The property to the north of the site comprises a dormer bungalow, while further north are two storey properties. Directly south of the site, at No. 60 Finedon Road is a two storey dwelling and a development of 4 no. two storey dwellings has recently taken place on land to the rear and side of this dwelling. There are a number of other instances of back land development in the vicinity of the application site and as such it is considered that the proposal will not be out of keeping with the character of the surrounding area, nor will it lead to an unacceptable high density of development in the surrounding area.

The proposed bungalow is of a fairly typical design with a gable roof and a minor projection forward of the principal elevation. The dwelling will be orientated to face south with access to the property gained via the existing driveway. Given the position of the dwelling and its single storey height it is considered that the proposal will not have a significant adverse impact on the character of the surrounding area. A condition will be applied requiring materials to be submitted and approved in writing by the local planning authority prior to the commencement of development. Therefore, it is considered that the proposal will not harm the visual amenity and the character of the area and complies with Policy 7 of the NPPF and Policy 13 (h) of the CSS.

## 3. Impact on Neighbouring Amenity

Policy 13 (l) of the CSS requires development not to result in an unacceptable impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

As outlined above the proposal involves the construction of 1 no. detached bungalow on land to the rear of No. 58 Finedon Road. The bungalow will be accessed via the existing driveway serving No. 58 and the dwelling will be orientated to face south towards this access. The dwelling will adjoin the rear boundaries of Nos. 30 and 32 Queensway to the west and will be positioned 0.6 metres from the boundary with No. 58 Finedon Road to the east. However, as no windows are proposed in either side elevations there will be no impact in terms of overlooking to these properties. The side elevation of No. 4 Finedon

Close will face the front elevation of the proposed dwelling. There are two no. windows at first floor level in this property facing the application site but as these windows are obscure glazed there will be no impact on the amenity of the future occupiers of the proposed development. The proposed dwelling is positioned sufficient distance from No. 60 Finedon Road to the south east for there to be no impact on the amenity of this occupier. The dwelling will be positioned between 7 and 8 metres from the rear boundary with the dwelling to the rear, No. 5 Villa Gardens, positioned approximately 10 metres from this boundary across the public footpath. As such there will also be no impact on the amenity of the occupiers of this dwelling.

Given that the proposed dwelling is single storey in height with a total height of approximately 5.5 metres and an eaves height of 2.6 metres and given that the dwelling will be positioned sufficient distance from surrounding properties it is considered that the proposal will not have a significant adverse impact in terms of overshadowing, loss of light or overbearing. A condition will be applied requiring a scheme for boundary treatment to be submitted to and approved in writing by the local planning authority to ensure the privacy of adjoining properties will be maintained.

One objection has been received from the occupiers of No. 60 Finedon Road on the grounds that the development and the additional traffic it will generate will lead to an increase in noise and disturbance in the area. However, the proposal involves the erection of 1 no. dwelling only and it is considered that the proposal would not result in a significant level of additional noise and disturbance to warrant a refusal of planning permission in this instance. The Council's Environmental Health Department has been consulted on the proposal and in the interest of controlling noise generated by the construction work has recommend that a condition be applied restricting works audible at the side boundary to 08.00 – 18.00 on Mondays to Fridays, 08.30 – 13.30 on Saturdays and at no time whatsoever on Sundays or Bank Holidays. This is not considered necessary for a site of this size and Environmental Health have their own powers to control impacts from construction noise. Therefore, it is considered that the proposal complies with Policy 13 (l) of the CSS.

#### 4. Parking and Highway Safety

Policy 13 (n) of the CSS requires development not to have an adverse impact on the highway network and not to prejudice highway safety. The proposed dwelling will be accessed via the existing driveway serving No. 58 Finedon Road. This access will serve the proposed dwelling only with access to No. 58 to be gained via a new dropped kerb to the north of this access. An objection has been received on the grounds that there is insufficient room for a vehicle access, leading to a risk of further forced parking on Finedon Road. This objector has also raised concern over vehicles which park either side of the junction of Finedon Close and Finedon Road to the south of the access to the application site. As a result of this the visibility splays are blocked and the footpath impeded and concern has been expressed that further development will exacerbate this issue. However, the access to the site is sufficient and the proposal provides for two off-street parking spaces. This level of parking is acceptable for a dwelling of this size and there is also sufficient space within

the site for cars to turn and exit the site in a forward gear. Furthermore, sufficient capacity will be retained within the curtilage of No. 58 Finedon Road for off-street parking and as such it is unlikely that the development will result in additional car parking along Finedon Road and will not exacerbate the current on street parking problems.

An objection is also made on the grounds that the access road does not appear wide enough for two cars to pass. However, the access is in excess of 4.5 metres wide which, according to the Highway Authority Standing Advice, is sufficient to allow two cars to pass. Furthermore, this access will serve the proposed dwelling only and the Highway Authority Standing Advice only requires single dwelling accesses to be 3.7 metres wide.

The initial site layout plan was amended at the request of the Highway Authority. Following reconsultation on the amendments the Highway Authority advises that the information provided remains inadequate to allow a full assessment of the proposal to be made and in its present form the proposals are unacceptable for highway safety reasons. A new site layout plan has been requested showing amended vehicular visibility splays and access to parking and turning for No. 58 Finedon Road. This information has been requested from the applicant. Once received the Highway Authority will be reconsulted and their comments will be reported in the Committee update. Subject to satisfactory receipt of this information and subject to the application of standard highway conditions as recommended by the Highway Authority it is considered that the proposal will comply with Policy 13 (n) of the CSS.

#### 5. Trees

The western boundary of the site is marked by mature leylandii trees while mature trees are also positioned on the northern and eastern boundaries of the site. These trees will be lost as a result of the development. One objection raises concern that the loss of the trees will cause a loss of habitat of local wildlife. However, the site is not within a Conservation Area and as such no protection is afforded to the trees and they could be removed at any time regardless of this development. The objection also raises concern that trees have already been lost due to the adjacent Finedon Close development which will add to the loss of character to the area. However, the trees are not particularly visible from the street and as such there will be little impact on the visual amenity of the surrounding area.

#### 6. Contaminated Land

The Council's Environmental Health Department has been consulted on the proposal and has advised that an investigation is required to assess and quantify any risks to human health associated with any previous potentially contaminative use of the site and/or underlying geology present throughout Northamptonshire. It is recommended that the standard full contaminated land condition is applied.

As Northamptonshire has varying levels of radon due to its underlying geology the Council's Environmental Health Department has also recommended that advice be sought from the Local Planning Authority Building Control Officers or

from approved inspectors to establish if radon protection is necessary. This advice will be included on the decision notice as an informative.

#### 7. Sustainable Construction and Design

Policy 14 (b) of the North Northamptonshire Core Spatial Strategy requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. 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. No information has been provided at this stage which demonstrates compliance with Policy 14 (b) of the CSS. This will be secured by condition.

#### 8. Other Matters

Objections received also raise concern that the development will add to the strain on the drainage in the area. However, one additional dwelling will not result in a significant additional impact to warrant a refusal of planning permission. It is also argued that as there are already 35 no. dwellings due to be built on land opposite the site the development is not necessary. However, the application site is in a sustainable location within the town boundary of Burton Latimer which is a secondary focal point for growth. There are no material considerations which would indicate against the proposal and as such the development is acceptable.

#### Conclusion

The proposal complies with national policy and policies in the Development Plan. It raises no adverse impacts in respect of character and appearance and neighbouring amenity. It is recommended that the application be approved subject to receipt of acceptable highway information as outlined above. This information will be received in advance of the Committee, consultation will be undertaken with the Highway Authority and their comments will be reported in the Committee update.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

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

Ref:

Date:

Marie Down, Development Officer on 01536 534316

