

BOROUGH OF KETTERING

Committee	Full Planning Committee - 28/07/2015	Item No: 5.7
Report Originator	Amy Prince Assistant Development Officer	Application No: KET/2015/0465
Wards Affected	All Saints	
Location	79 Beatrice Road (land adj), Kettering	
Proposal	Full Application: 1 no. dwelling	
Applicant	Mr D Gaunt	

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 permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers 3226-1, 3226-2, 3226-3, 3226-4, 3226-5.

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

3. The garden building hereby permitted shall be only for purposes incidental to the enjoyment of the dwellinghouse as such.

REASON: In the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Due to the previous potentially contaminative use of the site and 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.

REASON: A contamination survey prior to commencement is necessary 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 NPPF and 13 of the CSS.

6. The development hereby approved shall be constructed using the following external facing and roofing materials:

Walls - Ibstock Ivanhoe Cottage Blend Facing Brick.

Roof - Redland DuoPlain Charcoal Gray(77) concrete roof tile.

Windows - Rehau S706 70mm Edge Internally beaded sculptured sash windows.

Doors - Rehau S706 70mm Residential Doors.

French Doors - Rehau S706 70mm French Doors.

Or in accordance with an alternative scheme to be first submitted to and approved in writing by the Local Planning Authority.

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

7. The landscaping, boundary treatment and soakaway drainage system of the development hereby permitted shall not be carried out other than in accordance with the approved plan reference 3226-3 received 10/06/2015.

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

8. The development shall not be carried out other than in accordance with the submitted Sustainability Appraisal and Energy Statement dated 8 June 2015 reference 3226/SDS/1 received by the Local Planning Authority on 10 June 2015.

REASON: In the interests of securing sustainable development in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C or D of Part 1 of Schedule 2 of the Order shall be made to the dwelling hereby permitted.

REASON: In the interests of protecting the amenity of neighbours in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0465

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

3.0 Information

Relevant Planning History

KET/2012/0336	Single storey dwelling	Approved 09/07/2012
KET/2011/0388	1 no. dwelling	Approved 17/08/2011
KET/2011/0214	Erection of 2 no. apartments and 2 no. chalet bungalows	Refused 07/06/2011

Site Description

Officer's site inspection was carried out on 26/06/2015.

The application site is located between No.79 and 87 Beatrice Road which is located within an established residential area to the north of Kettering Town within the designated town boundary. The site is a long rectangular parcel which was previously part of the garden land on No.79.

The site currently is largely overgrown with a single garage toward the south west corner of the site.

The street has a mixture of single and two storey dwellings which are mainly detached, they have a variety of designs and roof structures.

The majority of properties on the north of Beatrice Road have a similar building line with a front garden. There is a large pallet of construction materials present including brick, painted render and pebbledash.

Proposed Development

This application seeks permission for one single storey dwelling with on-site parking.

Any Constraints Affecting The Site

None.

4.0 Consultation and Customer Impact

KBC Environmental Health

No objection subject to the imposition of the standard contaminated land condition.

NCC Archaeology

Recommend a condition requiring a written scheme of archaeological investigation.

Neighbours

One objection was received from 79 Beatrice Road on the following:

- Plans do not show the rear extension to 79 Beatrice Road. Bedroom three's window will look directly onto the extension.
- 5 Skylights planned in the west elevation would look directly into property if clear glass.

Planning Policy

National Planning Policy Framework

Para 14 - Presumption in Favour of Sustainable Development

Para 17 - Core Planning Principles

Section 6 – Delivering a wide choice of high quality housing

Section 7 – Requiring Good Design

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements

Policy 13 - General Sustainable Development Principles

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 the development
2. Character and appearance of the area
3. Impact on local amenity
4. Access and parking
5. Sustainable design
6. Contaminated Land

1. Principle of the development

Policy 6 of the National Planning Policy Framework (NPPF), Policy 1 of the North Northamptonshire Core Spatial Strategy and Policy 35 of the Local Plan for Kettering Borough require all new development to be within designated settlement boundaries. The application site is located within the designated settlement boundary of Kettering where development is considered appropriate subject to compliance with all other relevant policies.

Policy 9 of the Core Spatial Strategy (CSS) states that priority will be given to previously developed land and that this should provide for at least 30% of the overall housing requirements for North Northamptonshire. The NPPF classifies garden land as previously undeveloped and is therefore not a priority for development. Whilst this is so, the CSS defines Kettering as one of the main 'Growth Towns' due to its good level of services and public transport.

Paragraph 12 of the NPPF states that proposed development which accords with an up to date Local Plan should be approved. Paragraph 14 of the NPPF states that local planning authorities should approve applications which accord with the Development Plan.

Permission has previously been granted for a dwelling on the site twice. Once under KET/2011/0388 and then KET/2015/0336. The later application which was granted consent in 09/07/2012 and is a nearly identical scheme. There have been no significant changes with national or local planning policy.

Considering the above the principle of development is considered to be acceptable, subject to the compliance with all other relevant policies.

2. Character and appearance of the area

Paragraph 14 of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. This is further supported by Section 7 of the NPPF and Policy 13 of the Core Spatial Strategy. Local Planning Authorities must seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed bungalow is sited in the same location as with the previously approved scheme. The proposed building line is similar to the neighbouring properties and the dwelling extends deeply into the plot (27m), although this depth is not an original character of the street a number of properties including No.79 have rear extensions so the proposed depth is not considered to be out of character with the existing built form.

The street is characterised by a mix of construction materials and styles. The proposed materials for the dwelling are identical to that in the previous permission.

The proposed summer house is located to the rear of the garden and will not be visible from the street scene.

It is considered that the proposal will not have a detrimental impact on the character and appearance of the area and is therefore in accordance with policy 13 of the CSS and 7 of the NPPF.

3. Impact on local amenity

Paragraph 17 of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 13(I) of the CSS is clear that development must not result in an

unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light, overbearing or overlooking.

No.79 is located to the south-west of the application site with the western side elevation wall of the bungalow being situated approximately 40cm from the shared boundary. No. 79 has a garage and car port between the dwelling and the proposed new bungalow, separating the two dwellings by approximately 3.8m.

No.79 has a rear single storey extension attached to the north-west corner of the building which was permitted in September 2012 after the KET/2012/0336 was permitted. The extension has 2 windows and a triple bi-fold door which look north-east over to the application site. The south-west elevation of the application site has two high level windows however considering the size of the windows their position at a high level and the 1.8m boundary wall it is not considered that there would be a significant loss of privacy to No.79. Concern has also been raised in regard to the loss of privacy from roof lights. Considering the roof lights sit flush within the plane of the roof, the outlook they provide is of a vertical nature and is not considered to impact the privacy of No.79.

Consideration has been given to the potential for the proposed development in regard to overshadowing or overbearing impact. The proposed development is located in the same position as granted by the 2012 application and although some loss of light will be caused due to the depth of the dwelling and its orientation to the north-west. Due to the single storey nature of the bungalow, this loss of light and visual impact is limited and therefore acceptable.

To the north-east is No.87, an attached double garage separates the main dwelling of No.87 and the proposed dwelling. Within the north-east elevation of the proposed bungalow is two windows and a door, these are approximately 1.2m from the shared boundary. Given there is a 1.8m fence proposed the proposal is not considered to impact the privacy of No.87.

PD rights have been removed by condition to ensure amenity impacts on the neighbours are avoided.

The proposed summer house has windows/doors on the front elevation and windows to both sides, but not the rear. The window on the north east side is high level and is adjacent to the site boundary, as it is not a habitable room no overlooking is likely. The use of the summer house has been restricted by condition to be ancillary to the dwelling, to ensure any amenity impacts are avoided.

Environmental Health has requested a condition for working hours of construction however it is not considered justified to require this on a scheme for one dwelling when hours of construction and noise would be limited and adequately covered by current Environment Health legislation.

Bearing the above in mind the proposal is not considered to have an unacceptable impact on amenity in terms of overbearing impact, overshadowing or loss of privacy to neighbouring properties and is therefore considered to be in accordance with Policy 13(i) of the Core Spatial Strategy.

4. Access and parking

The proposed development uses the existing access expanded from 3.2m to 3.8m wide.

The application provides space for two parking spaces on plot within an area of hard standing to the front of the dwelling.

Considering the access is existing and the availability of on street parking, the access and parking arrangement is considered acceptable. The scheme is therefore considered to be in accordance with policy 13(d) and 13(n) of the CSS.

5. Sustainable design

Policy 14 part (b) of the CSS requires that proposals should demonstrate sustainable construction and energy efficiency, provision for waste reduction/recycling and water efficiency/recycling. The applicant has submitted a Sustainability Appraisal and Energy Statement which is considered to meet this policy. The measures proposed can be secured by condition to ensure compliance with Policy 14 of the CSS.

6. Contaminated Land

Due to the varying levels of Radon in Northamptonshire, Environmental Health recommends that a condition be imposed requiring contaminated land investigation. Subject to the condition, the new dwelling is considered acceptable and complies with NPPF paragraphs 120/121 and CSS policy 13.

Conclusion

The proposal is considered to satisfy national and local planning policy. It is appropriately designed and will not impact the neighbouring properties. As such it is my recommendation that planning permission should be granted subject to the recommended conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Amy Prince, Assistant
Development Officer Officer
on 01536 534316

Previous Reports/Minutes

Ref:

Date: