

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/10/2015	Item No: 5.4
Report Originator	Duncan Law Development Officer	Application No: KET/2015/0681
Wards Affected	Burton Latimer	
Location	226 Station Road, Burton Latimer	
Proposal	Full Application: Demolition of workshops, outbuildings and garages and erection of 1 no. dwelling with associated off road parking	
Applicant	Mr M F McCarthy	

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: 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.

3. 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.

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.

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

REASON: Details of potential contamination are necessary prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

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 the boundary treatments are required prior to the commencement of development in the interest of amenity and protecting the privacy of neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Prior to first occupation of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. 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. The development hereby approved shall be carried out in accordance with the Sustainability appraisal and energy statement submitted with the application received by the local planning authority on 17th August 2015.

REASON: In the interests of sustainable construction and energy efficiency in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

7. In relation to the construction of the development hereby permitted; no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the following hours:

MON - FRI 0800 - 1800

SATURDAY 0830 - 1330

Nor at any time on Sundays or Bank Holidays.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The window serving the bathroom on the first floor rear elevation and the ensuite on the ground floor side elevation shall be glazed with obscure glass (no less than privacy level 4 Pilkington Standard or equivalent) and shall be permanently retained in that form thereafter.

REASON: In order to help protect the privacy and amenity of the approved development and neighbouring properties in accordance with Policy 13 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 Class A, B, C, D, E, F, G of Part 1 of Schedule 2 of the Order shall be made on the application site.

REASON: In order to help control and protect the design of the development and protect amenity levels for the neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.1.

Officers Report for KET/2015/0681

3.0 Information

Relevant Planning History

KET/2014/0665 - Demolition of outbuildings and garages. Construction of 2 no. single storey bungalows with associated parking – WITHDRAWN

Site Description

Officer's site inspection was carried out on 27th August 2015.

The application site is situated to the western side of Burton Latimer at the end of a row of established properties along Station Road. The Weetabix factory and office buildings border the north and western sides of the application site and to the south and east are established residential areas of the town.

Proposed Development

This proposal is for the construction of one dwelling within the rear garden of the application site (No.226 Station Road). It will comprise a detached, two storeys, and 4 bed roomed property with an attached garage and off road parking provision. Vehicular access for the new dwelling will utilise the existing access for No.226 Station Road.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

Burton Latimer Town Council

Response received 4th September 2015. No objection.

Highway Authority

Response received 24th September 2015. Request amended plans to address the following shortcomings:

Incorrect pedestrian visibility splays

Incorrect red line which does not include changes to the access provision for No.226 Station Road

Lack of details with respect to hard bound material for the first 10 metres of the access

Plan received 28/09/2015

Local Lead Flood Authority

Response received 23rd September 2015. Do not object to the principle of developing the site. There are no records of flooding to these properties specifically – the nearest records we have are of flooding of the highway (likely to be blocked drains) at the junction between Station Road and Polwell Lane. The maps of potential risk of groundwater flooding do not show this area to be at particularly high risk. The underlying geology of the area does indicate that these properties are on the boundary between highly permeable Northampton Sand and less permeable Whitby Mudstone which would indicate a potential for springs to emerge in the area.

Ground works in the area may disturb or accentuate any natural flow paths for the groundwater but it would be almost impossible to determine whether this is the cause of any flooding at such a local level.

Environmental Health

Response received 27th August 2015. No objections but recommend the following conditions:

Contaminated land investigation
Protection from noise and
Working hours

Neighbours

Response received 14th September 2015. Objection. The concerns raised are summarised below:

Overlooking into our rear garden and windows
Drainage and waterlogging are an issue in this location and this development will exacerbate the existing problem
Access and highway safety concerns – onto a busy road with limited visibility

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 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

Emerging Policies (Local Development Framework)

Emerging Core Strategy (2011-2031)

SPGs

Sustainable Design

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Access and highway safety
3. Design
4. Amenity
5. Other considerations

1. Principle of development

Paragraph 49 of the National Planning Policy Framework (NPPF) states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Saved Policy 35 of the Local Plan for Kettering Borough is a housing policy which states that planning permission will normally be granted for residential development within towns where the proposal is compatible with other policies and proposals in the Plan.

Policy 9 of the North Northamptonshire Core Spatial Strategy (CSS) states that priority will be given to the re-use of suitable previously developed land and buildings within the urban area, followed by other suitable land in urban areas. Policy 10 of the CSS states that development will be permitted in the towns of Kettering Borough. Burton Latimer is defined as a smaller town in the CSS.

Although the land used for the proposed development (garden land) is not defined as previously developed land within the NPPF, there is no local policy which restricts garden land development in this particular area especially where the development is considered to be appropriate in terms of size, form and character. As such, the application accords with the requirements of both national and local planning policy and is considered to be an acceptable form of development in principle.

2. Access and highway safety

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

Through negotiation and submission of amended plans, the applicant has provided a plan that conforms to highways advice in that:

Any walls within the pedestrian visibility splay to either house are no higher than 600mm.

There is shown a section of setts within the splay in order that cars avoid this area when exiting.

There is a combined access width of 6.30 metres

The initial 5m section of driveway is surfaced with a hard-bound material

These additions therefore provide adequate visibility splays of at least 3m wide drive (as turning is available on site) accompanied by 2m x 2m pedestrian visibility splays and therefore accords with the above quoted policy. The proposal is therefore in accordance with policy 13 (d and h) of the CSS

3. Design

The local vicinity comprises a diverse mix of property styles and types ranging from single storey bungalows to post war, two storey, semi-detached dwellings and also more modern development forms. It is considered that in terms of design there is no specific architectural style required for the proposed dwelling in order for it to be considered in keeping with its immediate surroundings. Paragraph 60 of the NPPF states that 'planning policy should not attempt to impose architectural style and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'. In this particular case, the design proposal is considered to contribute positively to the variety and styles prevalent along Station Road.

The proposed dwelling comprises a simple design which incorporates duo pitched gable and hip ended roof structures. The dwelling is two storeys in height but its first floor accommodation is set within the pitched roof space with the provision of dormer windows. This type of design is considered to help reduce the overall massing of the building which provides for a four bedroomed family home with a floor area of 154 square metres approximately.

Given that the proposed location of this application will be sited to the rear of an existing property along Station Road, it is considered that the development will not have a direct impact upon the character and appearance of the immediate street scene. The existence of buildings associated with the former use of the site as a builder's yard and a large area of hard standing surrounding the property indicate the presence of previous development on this site. This supports the positioning of a dwelling in this location which breaks the predominant building line and does not set a precedent for other back land development in this area. The proposal will be set some 35 metres back from the highway and given the surrounding Weetabix factory buildings and offices will be reasonably screened within the surrounding area.

It is considered therefore that the design of the proposed dwelling is acceptable and accords with development plan policy specifically Policy 13 of the CSS and Policy 7 of the NPPF.

4. 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 or overlooking.

The proposed dwelling would be located to the rear of an existing dwelling at no. 226 Station Road and will comprise a separation distance between first floor windows of 22.5m. Both the existing dwelling and the proposed dwelling would comprise rear

garden depths of at least 13 metres. Given the positioning of the proposed dwelling and the separation distances achieved, it is considered that the proposal will not result in an unacceptable impact upon the amenities of the existing dwelling, the proposed dwelling or neighbouring properties within the immediate area with respect to overlooking or privacy levels. The separation distance between the other nearest neighbouring dwelling (No.224) and the proposed dwelling (with respect to first floor windows) is over 26 metres and the design of the dwelling is such that this view will be partially screened by the roof of the attached garage. It is therefore considered that the proposal will accord with Policy 13(l) of the North Northamptonshire Core Spatial Strategy.

5. Other considerations

Concern has been expressed by a neighbouring property that the development could exacerbate problems in the immediate area with respect to waterlogging and drainage. Having spoken to an engineering technician at Kettering Borough Council and the Lead Local Flood Authority – neither are aware of local flooding/waterlogging concerns in this immediate locality. They also confirm that the risk of groundwater flooding in this area is not high risk.

They have confirmed that there may be potential for springs to emerge in the area due to the underlying geology, however, it is noted that there is no evidence to suggest that groundwork's (needed for the construction of the site) would cause flooding within this immediate area. In any event, if such flooding did occur, there are mechanisms within Building Control regulations that would mitigate or reconcile such occurrences. In addition, the site characterisation investigation required by condition will contain any potential risks to ground water. As such, it is considered that the proposal is acceptable from a drainage perspective and complies with policy 13 of the CSS.

Sustainable Construction

Policy 14(b) of the North Northamptonshire Core Spatial Strategy states that development should 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.

The applicant has submitted a sustainability strategy which demonstrates how the requirement of the CSS and accompanying SPD would be met by the development. Subject to a condition which secures accordance with these documents, it is considered that Policy 14(b) of the North Northamptonshire Core Spatial Strategy has been met.

Environmental Issues

Due to the underlying geology present across the county which commonly presents high levels of naturally occurring arsenic and the sensitive end use being proposed, a condition should be attached to any permission requiring a contamination investigation followed by any necessary remediation.

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 no detrimental amenity impact which would warrant a recommendation for refusal. The application is therefore recommended for approval subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

D Law, Development Officer on 01536 534316