

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 17/11/2015</b>	<b>Item No: 5.10</b>
<b>Report Originator</b>	<b>John Hill Development Officer</b>	<b>Application No: KET/2015/0800</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>1 Cransley Hill (land adj), Broughton</b>	
<b>Proposal</b>	<b>Full Application: Detached dwelling</b>	
<b>Applicant</b>	<b>Mr R Darlow</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. 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) apart from that hereby approved no building, structure or other alteration permitted by Classes A, B, C, D, or E of Part 1 of Schedule 2 of the Order shall be erected/constructed on the application site.

REASON: In the interests of the appearance of the street scene and to ensure that sufficient amenity (garden) land is retained with the dwelling in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. In accordance with samples first shown to and approved in writing by the Local Planning Authority, materials to be used are as follows:

- Walls, including NE and SE facing elevations and chimney stack, shall be faced in random coursed sand ironstone laid in the traditional manor using lime mortar; the NW gable end and SW facing rear elevations to be a lime render (in accordance with a sample panel to be first approved by the Local Planning Authority)
- Lintols, cills and corbels to be natural limestone,
- Roof covering: natural blue/ black slate
- Alutec gutters on rise and fall brackets are to be used. Development shall not proceed other than in accordance with the approved materials.

REASON: In accordance with visual amenity and to enhance the appearance of the Conservation Area.

4. Prior to insertion of windows or external doors, joinery sections of these elements shall have been submitted to and approved in writing by the Local Planning Authority. Windows shall be recessed within the elevation openings.

REASON: To ensure the appearance of the dwelling enhances the character or appearance of the Conservation Area of which this site is a part.

5. The development hereby permitted shall not be occupied or the use commence, whichever is sooner, until the external site layout as shown on the amended plan has been provided on the development. The materials and appearance for a) the proposed bin store; b) the SUD paving, c) the side and rear boundary walls (including height and wall coping) and any other or boundary treatment and d) frontage planting (including species) shall be in accordance with details that shall have been first submitted to and approved in writing by the Local Planning Authority. The parking space shown as incidental to the occupation of the dwelling, shall be kept available at all times for parking and no outward opening gates shall be erected where this space fronts the highway.

REASON: To ensure that the external areas are laid out and available in the interest of visual and residential amenity and highway safety.

6. For the whole of the period of construction, the whole of the open area of hard standing of the site edged red on the application location plan, shall be kept clear of parked vehicles and instead be kept available for the storage of materials or plant needed to undertake the construction of the dwelling hereby approved.

REASON: To minimise the disruption to the adjoining highway during the period of construction, in accordance with highway safety and local amenity.

7. During the whole of the period of construction, no lorry or vehicle delivering construction materials shall attend the site before 09:00am; nor between 3:00pm and 4.00pm; nor after 6:00pm on any day.

REASON: To minimise the disruption to the adjoining highway, especially at school start and finish times, in the interest of highway safety and local amenity.

8. Pedestrian visibility splay of 2.4 metres by 2.4 metres as measured from and along respectively the back edge of the public footway shall be provided to the SE side of the access driveway, and this splay shall thereafter be permanently kept free of all obstacles to visibility over 0.45 metres in height above footway level. To the NE side of the access the half metre set back from the footway shall be kept clear of all obstacles at all times.

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

## **Officers Report for KET/2015/0800**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2012/0468 Erect 2 shop units with 2 number 2 bedroom flats over withdrawn

KET/2013/0545 Erection of a two bedroom, two storey dwelling with on-site parking and private rear garden space, Approved 02 March 2015 following report to Committee on 10 February 2015

Relevant Opposite site

KET/2007/0918 - Conversion of outbuilding to annex. Granted 28/11/2007

#### **Site Description:**

Officer's site inspection was carried out on 7 October 2015

Particular note was taken of the site's location, shape, and relatively small size since these are the factors which are crucial in assessing suitability for development.

The Application Site was largely unkempt being grassed over and partly overgrown. A small part at the southern end is tarmac to form part of the parking area for the adjacent shop. The grassed area appears not to be being put to any use (although "Google" does show cars parked here in the past). Within the rear set back piece are the remains of a former building the saved wall of which at about 2 metres height forms a part of the boundary treatment The remainder of rear boundary is mostly corrugated sheeting/fencing of a similar height.

The main part of the tarmac area outside the Application Site and adjoining the shop adjacent has been used for parking which necessitates reverse out onto the highway (unless drivers reverse in at the time of going onto the site). No buildings are visible beyond the rear of the site; this appears as private open space.

On the opposite side of the road and running parallel to the rear of the footway is a single storey stone outbuilding and part of a 2 storey dwelling fronting High Street to which the outbuilding relates.

To the north, beyond a small raised (former) garden, lies a 2 storey stone built house, 1 Cransley Hill. The gable wall of this dwelling is actually quite high from the application Site – due no doubt to the rising ground levels. There are 2 small (one up, one down) windows within this gable end; being in that part of the gable angled away from the Application Site. A small buttress to this gable end goes onto the site edged red though representatives for the occupier of 1 Cransley Hill identifies this and a small strip adjacent to the gable end as belonging to the neighbouring property.

The public highway outside the Application Site appears to be “standard” width whilst the Junction nearby is obviously quite busy. On street car parking for dwellings going up Cransley Hill away from the application site is noticeable.

**Proposed Development**

The proposal is to use the site described as “underutilised building land” for a detached dwelling. A small private garden area is indicated, as is one on site car parking space without a turning area.

The position of the proposed dwelling has been adjusted from that shown on the submitted plan so that there is a set- back of half a metre from the back edge of the footway; the reason the initial proposal placed the building was proposed almost at the back edge of the footway is a response arising from a re survey of the site by the current agent that the width of the plot at its narrowest point measures 5.9 metres rather than the 6.9 metres shown on the earlier application (KET/2013/0545) However, the width is irregular, widening out to 10.1metres, with a mid- point width of 6.2m.

The revised plan also indicates the area of the land that could accommodate visibility at the north side of the proposed off road single vehicle parking place, though it would not be possible to provide a full 2.4m x 2.4m visibility splay that side. However, a wall kept at a height of 450mm on the south side of the parking space would allow for a visibility splay in that opposite direction.

The proposed building is similar to that approved under KET/2013/0545 i.e. the overall footprint being the same apart from a very minor changes included in the comparison below:

Proposal KET/2015/0800	Approved dwelling ref: KET/2013/0545
Front NE and SE facing gable in ironstone; Elevation facing gable to 1 Cransley Hill and rear SW facing elevations to be cream coloured render.	All elevations in ironstone
South side elevation now showing first floor window to a study area behind	South facing gable end with no windows
No canopy above front door	Canopy over front door facing footway
Height to eaves 5.2m;	Height to eaves 5.2m
Height to ridge 7.2m	Height to ridge 7.5m
Width of SE facing gable end 4.7m	Width of SE facing gable end 4.9m
Width of site at narrowest part 5.9m	Width of site at narrowest part 6.9m
Width of site (as shown on plan) at the alignment of proposed NE gable end: 9 metres	Width of site (as shown on plan) at the alignment of proposed NE gable end: metres 11m
On-site parking for 1 No Vehicle reduction from proposed building to a visibility splay at north side with building set back half metre	On-site parking for 1 No Vehicle reduction from proposed building to a visibility splay at north side with building set back 1 metre.

It is also worth noting, though not material to planning considerations that whereas the approved dwelling showed two principal rooms on the first floor, the latest plans have subdivided one of these to show 3 rooms, overall the space is practically identical.

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

Conservation Area

## **4.0 Consultation**

### **Broughton Parish Council**

Object; adding

- The scheme results in the loss of any off-road parking for the adjacent shop; whilst this is only an informal area, the established custom of use for this purpose does at least relieve some pressure and congestion on this busy junction. The proposal will, accordingly, result in adverse impacts on traffic and pedestrian safety in this area.
- Additional vehicle movements associated with an additional dwelling here (especially any reversing onto highway) will also impact on highway safety. A traffic survey was conducted in November 2014 that revealed over 15,800 vehicle movements per week on Cransley Hill alone, with a daily week day average of over 2,500. Movements on the High Street were multiples of these figures; the site is unsuitable for further development until this congestion is relieved. Traffic/pedestrian conflicts caused by the weight of numbers and parking issues in this vicinity are the single most contentious aspect of the emerging Broughton Neighbourhood Plan.
- The proposal seems to show the house door opening straight onto the pavement; although a historic feature of existing dwellings, this is not considered to be appropriate in contemporary design terms and offers no amenity for residents; it may even place residents at risk given the traffic congestion here and the potential for vehicles over-running the pavement (the shop is protected by a barrier due to this).
- The proposed building is over-large for the plot, resulting in an unacceptably minimal level of private amenity space for occupants.

### **Highway Authority**

Comments awaited

### **KBC Environmental Health**

No objections to the Application, requests contamination condition to be imposed.

### **Neighbours**

Representation received from or on behalf of the adjacent property, 1 Cransley Hill, stating:

“We are very concerned with the location of the new development in relation to our property. The original planning application by Mr Purewal was not correct as it did not show the low wall and support buttress belonging to our house. The latest plan does in fact now correctly show the buttress.

The support buttress obviously continues under present ground level at the angle and extends further into the proposed building line.

Our house not only has the Buttress but also has a cellar. In addition there are tie bars to the side elevations. We are extremely concerned that the development could cause damage to our house”

Our property also has a side window serving our dining room which will be overlooked”

The neighbour has received confirmation from a solicitor stating that a Party Wall Agreement must apply

The neighbour asks that “the points re the Party Wall and window are taken into account when considering this planning application”

(Officer comment: This is responded to in the Officer report below)

Two other neighbour representations have been received objecting to the proposals on the following grounds:

- “Already a very congested area, does not seem sufficient land for the proposed dwelling, fail to see how it will possibly have a safe access for vehicles”
- “Centre of village is already congested with insufficient parking. Proposed site only offers 1 parking space which is insufficient,

On behalf of the occupiers of 46 High Street (opposite the site) objection has been received because they consider the proposed dwelling will result in ‘ a significant breach of privacy, the lack of natural light (to objector’s property); overlooking of(respectively each by 10ft) their main bathroom, second bathroom, bedroom” and living rooms; as well as overlooking “our entire garden by approximately 10-15ft; flooding; their opinion that their basement will be ‘destabilised; lack of parking provision. Other comments are:

- “We are seriously concerned that the lack of natural light, which will occur in these areas of our property as a result of the measures, required maintaining any privacy would result in problems such as ‘sick building syndrome’
- We already require the use of sub-surface pumps to prevent our property from flooding due to the abundance of natural wells in this area. Any additional run-off would directly impact our property’s ability to remain watertight. In addition the effect of building on the multiple historical wells and pumps in this area has not been determined.
- The creation of sub surface foundations in such close proximity to our property has significant risk of destabilising our basement which is used permanently on a 24 hour basis;
- Community parking is already over stretched at the junction of Cransley Hill with High Street. As such the junction is regularly blocked by illegally parked vehicles. An additional residence will certainly exacerbate this issue leaving

Kettering Borough Council legally / vicariously responsible for future Road Traffic Accidents if this planning application is granted. It is strongly suggested that Kettering Borough Council discuss this issue with both their legal department as well as Broughton Parish Council.

- We have serious concerns over the structural integrity of the end gable wall of No 1 Cransley Hill should additional foundations be built alongside this. The architectural plan for the style of property is not in keeping with the style of the village.
- The application as submitted shows there is insufficient parking for a 2 bedroom property.
- The proposed dwelling is too close to the very busy highway junction, leading to increased risk for pedestrians and drivers,
- The proposed plans show there are insufficient pedestrian visibility splays, also leading to increased risk for pedestrians.
- We wish to express our concerns that this list is by no means exhaustive. We reserve our right to add additional concerns to this response at any time”

For most of the above points the correspondent adds:

- “we would hold Kettering Borough Council legally responsible and subsequently challenge through the law courts” (for significant breach of privacy; lack of natural light; any damage to the structural integrity of any aspect of their property; flooding any flooding (which is already experienced by other properties in this area) if it occurred (resulting from the development) and “challenge for appropriate enduring compensation”

The occupier of 42 High Street comments:

- “The property dominates the site and street view; the parking and access to the parking is extremely dangerous; the design and style of the house is completely against the conservation area, the properties surrounding it are Victorian brick and Northamptonshire stone; the area and roads around Cransley Hill and adjacent to the High Street are very dangerous and a number of accidents have happened in this area. Therefore, this property is not suitable for this site, if any property were to be suitable it would be a small 1 bed bungalow or cottage”

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Para 17 Core Planning Principles

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 12 Conserving and Enhancing the Historic Environment.

### **Development Plan Policies**

North Northamptonshire Core Spatial Strategy

Policy 1 Strengthening the network of settlements

Policy 9 Distribution and Location of Development (brownfield sites)

Policy 10 Distribution of housing  
Policy 13 General Sustainable Development Principles

**Local Plan (Saved Policies)**

RA3 Housing in Restricted Infill Villages

**Broughton Conservation Area (2014)**

**6.0 Financial/Resource Implications**

None

**7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Plot size
3. Appearance of development including impact on Conservation Area/street scene
4. Highway safety
5. Impact on neighbours amenity
6. Other issues raised by Parish Council and Objectors

**1. Principle of Development**

National Planning Policy is embodied within the National Planning Policy Framework and paragraphs 14 and 17 of that document state that there should be a presumption in favour of sustainable development.

Policy 1 of the North Northamptonshire Core Spatial Strategy directs development to existing urban areas. Policy 35 of the Local Plan directs development into designated settlement boundaries.

The Application Site lies to the centre of the built up part of the settlement and well within the boundary of the village as denoted within the Local Plan. The site is not allocated/ designated for any particular purpose within the Local Plan; nor the Local Development Document. (Options Paper March 2012)

In view of the above, the principle of development for a dwelling on this site is dependent on its scale, form, and appearance. However, it is a material consideration that a similar scale and form of development was previously granted planning permission in March this year. Therefore, the principle of allowing a suitable infill of this 'gap site' has been established.

**2. Plot Size**

As explained above, there are limitations to the size of the plot and as we now know the latest survey of the site does reveal some discrepancies with the size of the plot when compared with what was presented with the last application. Despite this however, the applicants have shown that the current proposal of a similar scale to the earlier approved dwelling can be fitted in the space available. The amount of



garden space is small but nevertheless as indicated on the amended plan will provide some basic outdoor amenity space.

The nature of the site is such that it is not being compared with the size of plots expected for new housing on much larger sites, i.e. a 'minimum size garden'. In this case it would need to be large enough for the occupier to have some area for incidental activities or uses, i.e. sitting outside, hanging out washing, storing the bins, planting an area etc. In these terms the plot size is suitable for what is being proposed.

The potential to enhance the appearance of the area (see below) is also a consideration when taking account the size of incidental space. The tight-knit built form along this part of Cransley Hill is a characteristic that has a bearing when taking account the limited plot size.

Whilst recognising the limitations of the plot size, the applicant or others could have reasonable expectation that despite the limitations and because of the earlier and relatively recent planning permission, the LPA has already accepted that the site can accommodate a modest and traditional building such as that now being proposed.

### 3. Appearance of development including impact on Conservation Area/street scene

Para 17 of the National Planning Policy Framework requires the Local Planning Authority to seek to secure a high quality of design in new development; whilst Section 7 of that document gives greater detail stating that good design is a key aspect of sustainable development.

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping and should respect and enhance the character of its surroundings

When viewed from the junction of High Street/ Cransley Hill, the application site visually currently lacks any real purpose, appearing as suggested above as a "gap" in what is otherwise a tightly developed street scene. In context, especially as part of the Conservation Area designated in May 2014, the current appearance of the site lets down the quality of the street.

On the other hand a building that is in keeping in regard to form, scale materials and detailing would enhance the character and appearance of this part of the Conservation Area which the Local Planning Authority has a duty to consider and if possible support.

The approved Conservation Area document for the settlement indicates that from this part of the village and up Cransley Hill is a "Key View"

With good quality materials and detailing the form of the dwelling would not be incongruous with the style of some other dwellings in the vicinity. Acknowledging that ground levels fall away toward the village centre, the height of the proposal would be below the height of 1 Cransley Hill (noted as a quality building in the Conservation Area Appraisal) which it will immediately abut.

The proposal, in a similar way to the earlier approved dwelling, has the appearance of a traditional dwelling. The most noticeable difference being the proposal to render two of the elevations. In consideration of these these are elevations that have the least views from the public realm and even approaching the proposed north west facing gable end this will be behind an existing dwelling and the small gap between them would not be enough to sustain a view for any significant distance. However, it is recommended that a lime render should be used and this is one of the conditions in this report to Committee.

As before, other materials and detail will be conditioned too. This will include natural slate for the roof, random coursed ironstone on the elevations that are to be stone faced, recessed timber windows, joinery sections, stone lintels, traditional eaves detailing, and metal rainwater goods.

#### 4. Highway Safety

Policy 13 (d) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards. Policy 13(n) requires development not to have an adverse impact on the highway network or to prejudice highway safety.

As identified above there is a limitation with the visibility one side of the proposed on-site parking space although if parked in reverse it would be possible to exit in a vehicle using a forward gear. The current proposal shows an incidental parking space. It is clear from the evidence that what is now being proposed would result in a proposal no worse than what had been approved earlier.

It is noted that before the earlier application had been approved a parking survey recorded via a CCTV camera had been undertaken which indicated on road parking was available within the times required by the Local Highway Authority. It is possible therefore that like many other properties fronting onto this site of Cransley Hill, reliance could be made on whatever on street parking becomes available, as an alternative to providing a single space on site.

Furthermore proximity to the village centre and the bus does offer an alternative option for the occupier to access the village (and potentially further afield) without necessarily using a car at all times, thus reducing such movements.

This matter has been discussed with the County Council Highways and their comments are expected to be available before or by the time of Committee.

The Officer recommendation is to retain one on site space as shown on the amended plan, taking account of what could be achieved through the earlier approval, and bearing in mind that in village centre locations the standard of splays are affected by the presence of a built form close to the footway which is noticeable already in respect of existing property nearby.

An alternative could be for the Committee to support this application without an on-plot parking space.

## 5. Impact on neighbours amenity

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

There are 3 neighbouring properties surrounding or in immediate proximity to the site: 1 to the rear (mainly its garden), 1 to the northern side, and 1 opposite.

In respect of the nearest property to the south (including the shop at 44 High Street) there are no windows to any residential part facing the proposed dwelling. This fact and noting the physical relationship between the shop/ the space adjacent to it and the SE facing gable end of the proposed dwelling means that there is no overlooking or overbearing impacts adversely affecting residential amenity for No.44.

In regard to the property at 1 Cransley Hill, the neighbour's comments have been considered. The position of the small ground floor window on the gable end of 1 Cransley Hill is not obscured by the nearest part of the proposed dwelling and is angled away from the alignment of the north side of the proposed dwelling. Any looking into that window from the outside is possible at present. There is no overlooking or other adverse impact on residential amenity to 1 Cransley Hill as a result of the proposed dwelling.

The occupier opposite (46 High Street) has raised a number of objections relating privacy matters. These are similar to comments raised by the earlier application. The objectors dwelling mainly fronts onto High Street but also has a return (main) elevation onto Cransley Hill, with a single storey outbuilding (behind which is the garden area) also running along the rear of the footway to Cransley Hill, and ability to access onto Cransley Hill.

The proposal shows the majority of the intended dwelling opposite the objectors outbuilding and access or space to the side, although some of the proposed dwelling will be sited opposite the objectors dwelling where 2 (of the 4) windows in this gable are located. However, the separation between the 2 properties is some 8 metres and due to space between being a public highway there is already potential for the public to look towards the windows Accordingly the proposed relationship is considered to be acceptable.

Overlooking into the neighbours garden is largely obscured by the existing outbuilding and gated area or access. Even so the objector's garden area is some 15 metres distant from the proposed dwelling and combined with the outbuilding the level of any overlooking is considered to be low and at level compatible with reasonable residential amenity.

## 6. Other issues raised

The applicant's agent has confirmed that a Party Wall Surveyor has been employed and the responsibilities under this Act in regard to the effect of 1 Cransley Hill are

being properly addressed. This is not a planning issue.

Issues to do with neighbour's concern about possible effects on the structure of their property and comments about potential flooding are matters for the construction phase between the 2 properties that would need to be dealt with by the respective parties. A number of the comments arising from the neighbours at 46 such as the threat of legal action are not material to the planning considerations of this application.

The impact of whether there would be any overshadowing over these rooms, or a loss of light to the property opposite has been considered. There is no evidence to conclude that in planning terms the impact of the proposal would result in a detriment to residential amenity.

### **Conclusion**

It is accepted that the proposed dwelling will only have a limited amount of private amenity area (rear garden area). However, given the significant improvement to the street scene, and the extant permission it is considered that what is being proposed in this regard is acceptable, whilst removal of permitted development rights are required to control further proposals for additions.

Clearly there is a concern about the visibility in respect of one side of the proposed on-site parking space but for reasons stated above, this would be no worse than the impact from the proposal previously approved. If Committee were concerned about highway safety arising from egress from an off road parking space, such a parking space could be excluded.

Due to the similarities with the existing permission the applicants have a reasonable expectation that a building of the size and form of the current proposal would be acceptable to the LPA. A dwelling here would enhance the street scene. Therefore, subject to the conditions stated this proposal is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref: KET/2013/0545

Date: February 2015

Peter Chaplin, Development Manager on 01536 534316