

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/08/2016	Item No: 5.6
Report Originator	Duncan Law Development Officer	Application No: KET/2016/0462
Wards Affected	Slade	
Location	Bentham Close & High Street (corner of), Broughton	
Proposal	Full Application: 1 no. dwelling with garage	
Applicant	Mr M Krajewski	

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 submitted with the application.

REASON: In the interest of securing an appropriate form of development in accordance with policy 8 of the North Northamptonshire Joint Core 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 which shall be traditional and natural materials, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The proposed roof lights shall be fitted so as to be flush with the external roof surface. 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 policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to construction of the dwelling, there shall be submitted to and approved in writing by the Local Planning Authority a report identifying how the dwelling is to be constructed in order to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional criteria 36(2)(b) of the Building

Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition). Thereafter and before first occupation, evidence is to be submitted to the Local Planning Authority to demonstrate that this requirement has been incorporated.
REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

5. All external walls shall be constructed in natural stone and shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.

REASON: In the interests of the character and appearance of the Conservation Area in accordance with policy 2 of the North Northamptonshire Joint Core Strategy.

6. No development shall take place on site until full details including sections at a scale not less than 1:5 of all windows and doors which are to be timber, timber finishes, verge and eaves detailing and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the character and appearance of the Conservation Area in accordance with policy 2 of the North Northamptonshire Joint Core Strategy.

7. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08:00 to 18:00 hours, Saturday 08:30 to 13:30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of residential amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

8. No development shall take place until a cross-sectional plan of the site including in the context of neighbouring land, prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours has 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: Final ground levels and contours are necessary prior to commencement to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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: Contaminated land investigation is required 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, 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 policy 8 of the North Northamptonshire Joint Core Strategy.

10. No development shall take place on site until full details of the proposed refuse storage and collection points have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To secure a high quality design and in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

11. 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 building shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

12. Notwithstanding the approved plan, prior to occupation of the development hereby permitted, a plan showing pedestrian visibility splays of at least 2.0m x 2.0m to be provided on each side of the vehicular access to number 20 High Street shall be submitted and approved by the Local Planning Authority. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level. The access shall have suitable drainage facilities to prevent surface water discharging over the highway

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

13. The vehicular access gradient from the Highway Boundary shall not exceed 1 in 15 for the first 5m from the highway boundary.

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

14. Prior to first use or occupation, the proposed parking facilities shall not be provided other than in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

15. 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 structure or other alteration permitted by Class A of Part C of Schedule 2 of the Order shall be erected on the application site.

REASON: In the interests of the character and appearance of the Conservation Area in accordance with policy 2 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2016/0462

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

3.0 Information

Relevant Planning History

KET/2007/0484 - Demolition of existing bungalow & garage and re-development of site for eight dwellings - APPROVED

KET/2005/1120 - Outline for demolition of existing bungalow and garage redevelopment of site for eight new dwellings detached/linked and the formation of new adoptable access road - APPROVED

KET/2015/0588 - Residential building comprising 1 no. one bedroom apartment and 1 no. two bedroom apartment – Withdrawn

KET/2015/0800 - Detached dwelling - APPROVED

Site Description

Officer's site inspection was carried out on 21/07/2016. The village of Broughton is found 3 miles south west of the town of Kettering on the A43 road. The High Street The application relates to a vacant plot of land on the west side of Broughton High street bounded by a low stone wall and laid to grass. There is an existing tarmacadam right of access over part of the site to 20 High Street, a secluded set back residence. To the west of this drive is another grassed area leading to a pair of pitched roof garages belonging to no. 22 High Street. The wider site was developed under KET/2007/0484, a proposal for 8 dwellings that became Bentham Close. Due to a right of access issue, only 7 of the 8 were built with this current application proposing the final dwelling. To the immediate south of the site is 18 High Street, to the west the red brick development of Bentham Close and to the north the detached ironstone dwelling, all built under KET/2007/0484. The plot is slightly elevated above the highway and slopes from south to north.

Proposed Development

1 no. dwelling with garage

Any Constraints Affecting the Site

Broughton Conservation Area

4.0 Consultation and Customer Impact

Parish Council

No observations

Environmental Health

No objection subject to the addition of conditions or notes regarding:

- Protection from noise
- Air quality
- Working hours for construction sites
- Radon informative

Highway Authority

LHA cannot support the application, however, should the LPA seek to approve the application we request that conditions be applied.

Neighbours

Objections received from neighbouring properties which are summarised as:

22 High Street (X2)

- Parking and highway safety as building will obscure view when exiting Bentham Close
- Plans requires access across land for which permission will not be given

20 High Street

- Access for emergency services
- Visibility splays
- Steepness of access to property
- Utilities pass under/over site
- Parking

3 Bentham Close

- Adverse impact on parking and highway safety

7 Bentham Close

- Adverse impact on parking and highway safety
- Dangerous layout with drive between house and garage
- Overlooking garden of 3 Bentham Close

18 High Street

- Too close to historic building therefore affecting air flow and access
- Effect of foundations on historic building
- Highway safety and parking

5.0 Planning Policy

National Planning Policy Framework (NPPF)

Policy 4 - Promoting sustainable transport

Policy 7 – Requiring good design

Paragraph 14 – The presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Development Plan Policies

North Northamptonshire Joint core strategy 2011–2031 (JCS)

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Historic Environment

Policy 8 – North Northamptonshire place shaping principles

Policy 11 – The network of urban and rural areas

Policy 15 – Well-connected towns, villages and neighbourhoods

Policy 29 – Distribution of new homes

Local Plan

Policy RA3 – Restricted Infill Village

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of development
2. Design and impact on the street scene
3. Heritage Assets (Listed Buildings & Conservation Areas)
4. Impact on Residential Amenity
5. Highways and parking
6. Refuse
7. Sustainable construction & design
8. Contaminated Land
9. Comments on other points raised by proposal

1. The principle of development

Paragraph 17 of the National Planning Policy Framework (NPPF) seeks to secure a high standard of design and a good standard of amenity for existing and future occupiers of land and buildings. Section 7 of the NPPF identifies the key role design plays in the delivery of sustainable development. Policy 29 of the JCS directs development to existing settlements within the Borough to strengthen the existing network of settlements whereas Policy 11 permits small scale infill development on suitable sites if no resultant harm to character, residential amenity or infrastructure.

Policy RA3 of the Local Plan defines Broughton as a Restricted Infill Village. The policy states that planning permission will only be granted for residential development in Restricted Infill Villages;

- where the proposal is within the defined village limits,
- where it is appropriate in terms of size, form, character and setting of the village,
- where it does not involve the development of open land which is important to the form and character of the village and
- where it is compatible with all other policies.

Policy 8 e) of the North Northamptonshire Joint core strategy 2011–2031 states that development should ensure quality of life and safer and healthier communities by protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. In addition to the above, application KET/2005/1120 - Outline for

demolition of existing bungalow and garage redevelopment of site for eight new dwellings and the full application KET/2007/0484 gave approval for a pair of detached dwellings fronting the High Street. However due to various complications, Number 22 High Street was the only one of the pair built.

As the proposal conforms to all other policies, it is considered that it remains acceptable in principle subject to the satisfaction of other material considerations against which development proposals are assessed. These issues are therefore addressed in the sub-sections to follow.

2. Design and impact on the street scene

High quality design that respects the character of its surroundings should be a fundamental constituent of development, as prescribed through policy 7 of the National Planning Policy Framework and 8 d) and e) of the JCS.

It is considered that the proposed design meets these policy requirements and that the scheme has been carefully designed with its context and the character of Broughton in mind. The application site currently lacks any purpose and is a visual gap in what is otherwise a compact street scene. The proposal is considered to be of high quality that would enhance the immediate area and the wider Conservation Area. The design meets the requirements stipulated in the Broughton Conservation Area appraisal in that it introduces new high quality infill development. This has been achieved as it incorporates a traditional architectural approach that responds to the existing character of the immediate area. It follows the existing linear building line with a small setback thereby creating a continuity of frontage that can be said to bring back definition to the High Street. In addition it conforms to the height of surrounding development being 2.5 storeys high and follows the existing roofscape and pitches. The proposal has an active frontage with windows and doors to the street and uses appropriate stone and slate tile materials.

The traditional house approach is appropriate to the local context and traditional residential development while the scale, mass and height of the proposed dwelling is reflective of local character and provides a good fit with the site. Architectural details are reflective of local vernacular, such as the vertical emphasis, biased composition, stone walls and a prominent chimney. The addition to the existing double garage is a sympathetic and suitable addition with matching materials and roof pitch.

Overall, the scheme is considered in accordance with the policy framework for the site and is reflective of surrounding character. The design is of a high quality and it is considered that the development would make a very positive impact on the area

3. Heritage Assets (Listed Buildings & Conservation Areas)

The property falls within the Broughton conservation area; section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". Policy 2 of the JCS states that proposals should complement their surrounding historic environment through

the form, scale, design and materials and should conserve and, where possible, enhance the heritage significance and setting of an asset.

The Broughton Conservation Area appraisal (2014) established a set of criteria for new development in paragraph 23 that new development should seek designs that respect the historic character of Broughton by not being more than 3 stories, not being set back from the highway and be constructed of appropriate materials. The proposal is of 2.5 stories and the materials proposed are coursed natural stonework under a natural slate roof with feature stone lintels and cills and will be secured through condition. These have been carefully chosen to echo number 22 High Street directly to the east.

The land is currently vacant as it was originally intended under KET/2007/0484 to construct a pair of detached dwellings either side of the entrance to Bentham Close. This appropriately designed detached dwelling would enhance the street scene and augment the Conservation Area by infilling a gap site that would establish a traditional built form to the site. The proximity of the building line to the street would bring a continuity, definition and enclosure to the High Street. As discussed above, the design is considered to complement and be in character with surrounding traditional development.

Overall, it is considered that the proposal would make a positive contribution to the Conservation Area. The proposal is in accordance with Section 12 of the National Planning Policy Framework and Policy 2 of the JCS which encourage proposals that respect and enhance the historic environment and character by strengthening distinctive historic qualities. The proposal, therefore, can be said to preserve the character of its surroundings in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the adopted Broughton Conservation Area

4. Impact on Residential Amenity

Policy 8 of the JCS 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. Paragraph 17 of the National Planning Policy Framework states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. The possible impacts of the proposed development on the amenity of neighbouring properties would be limited to potential overlooking, loss of light or overbearing physical impact

Any potential for overlooking into the immediate neighbours garden at number 18 is obscured by their existing rear two storey outbuildings. There are no other properties close to be adversely affected by overlooking. With regard to a comment concerned with the potential for overlooking the garden of no 3 Bentham Close, it is considered unfounded as it is over 26m away to the west and benefits from tall boundary treatments and the detached double garage.

In terms of physical impact and loss of light, the proposed 2.5 storey dwelling is considered to be an appropriate scale and mass for the location with a ridge height of 9m being compatible to the existing High Street streetscene. There

are no properties in the vicinity that would be overshadowed or overlooked in an adverse way by the proposal which thereby accords with policy 8 of the JCS and 17 of the NPPF.

5. Highways and Parking

Policy 8 b) ii) of the JCS 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.

The application makes provision for car parking within the red line in the form of a garage and 1 x parking space. The Highways Authority has objected to the proposal as the garage does not meet the required 3.3m x 6m size required by the Highways Standing Advice. Further comments highlighted the inadequate visibility spays and boundary treatment. The applicant has stated that the visibility spays and boundary treatments can be achieved and will be secured through an appropriately worded condition. The dimensions of the garage are 3.1m x 6m therefore 200mm narrower than required. The existing double garages have a width of only 2.8m. Despite not meeting the standing advice and cannot be classed as such, the garage is considered appropriate for the development which has 1 suitable off road parking space of 2.5m x 5.2m (A standard parking space should be 2.5m wide by 5m long) and there is on street capacity in Bentham Close for another. Of material consideration is application KET/2015/0800 which permitted a Detached dwelling just off the High Street within Broughton Conservation Area. This dwelling was approved on a smaller plot with no parking provision whatsoever adjacent to a busy junction

Objections were received based on parking and highway safety but there is no evidence to support these claims. The proposal is located on the main route through Broughton and this central village location is a fairly sustainable one with proximity to bus routes and village facilities such as the local convenience store, pub and chip shop. It is not considered that an additional dwelling in this location would result in an unacceptable over intensification of traffic, or generate a significant amount of extra vehicular movements, or cause existing highways and accesses to exceed their capacity.

The proposal accords with policy 15 of the JCS which seeks to support modal shift and a shift away from reliance on use of the private car. A stance supported by policy 4 of the NPPF that states opportunities for the use of sustainable transport modes for the movement of goods or people should be exploited.

There is no evidence that the proposal will have an adverse impact on the highway network or prejudice highway safety in accordance with policy 8 of the JCS. There is some conflict with policy 8 (b) of the JCS in that the proposal cannot prove sufficient on-site parking but in this instance and given the village

centre location and previous and nearby approvals this is outweighed by the other material considerations and is not sufficient to warrant refusal.

6. Refuse

A condition will be applied to secure the siting of suitable receptacles for the storage and collection of domestic waste.

7. Sustainable construction & design

JCS policy 9 requires development to incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day which will be secured through condition.

8. Contaminated Land

The site has potential of the land for contamination as there are underlying geology conditions 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. This risk requires a full investigation to be carried out and at least a desk top study to be submitted through condition.

9. Comments on other points raised by proposal

Comments received regarding issues to do with neighbour's concern about possible effects on the structure of their property would be addressed through the Party Wall Act. There is no evidence to suggest that

Comments received vis-à-vis access across land for which permission will not be given is a civil matter outside of the planning remit.

Conclusion

The application is considered to accord with the Development Plan. The extant permissions and the NPPF are material considerations in favour of the application. The application is recommended for approval subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Duncan Law, Development Officer on 01536 534316