

BOROUGH OF KETTERING

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| Committee | Full Planning Committee - 08/11/2016 | Item No: 5.9 |
| Report Originator | Louisa Johnson Development Officer | Application No: KET/2016/0622 |
| Wards Affected | Barton | |
| Location | 77 Polwell Lane, Barton Seagrave | |
| Proposal | Full Application: Replacement dwelling | |
| Applicant | Mr Johnson | |

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 a S.106 OBLIGATION being entered into, and to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 6 months 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 plan numbers Location Plan KET/2016/0622/1 received by the local planning authority on 26/08/2016; Block Plan KET/2016/0622/02A and Proposed Layout PL/03A received by the local planning authority on 13/09/2016; Proposed Street Scene PL/100 received by the local planning authority on 30/08/2016 and Section through Kitchen PL/20 received by the local planning authority on 13/10/2016.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the adjacent building 79 Polwell Lane.

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

4. The windows and door on the northern side elevation shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the southern side elevation or roof plane of the building facing 79 Polwell Lane.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. 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 as set out in the Phase I desk study report for 77 Polwell Lane, Barton Seagrave, NN15 6TD Final Report dated 16-10-02 Revision 0 by Demeter Environmental Ltd received by the local planning authority on 11/10/16 and the Phase IIIA Implementation Plan for 77 Polwell Lane, Barton Seagrave, NN15 6TD Final Report dated 16-10-06 Revision 0 by Demeter Environmental Ltd received by the local planning authority on 19/10/16 must not commence until parts c 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.

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 6 of the North Northamptonshire Joint Core Strategy.

7. No part of the proposed development including gutters shall overhang the boundary with 79 Polwell Lane.

REASON: In the interests of the amenity of neighbouring residents in accordance with policy 8 of the NNJCS.

Officers Report for KET/2016/0622

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the application requires an agreement under s.106.

3.0 Information

Relevant Planning History

KET/2016/0283 – Single storey rear extension – Approved 30/06/2016

This permission is now void as the dwelling to be extended (77 Polwell Lane) was demolished.

KET/2016/0394 – 1 no. dwelling – Approved 25/09/2016

This permission is for the adjacent site, formerly the side garden of no. 77.

Site Description

Officer's site inspection was carried out on 9 June 2016.

The existing site is a double plot fronting onto Polwell Lane, it previously contained no. 77 a semi-detached bungalow attached to 79 Polwell Lane to the south of the site with a large side garden adjacent to 73 Polwell Lane. The original bungalow on the plot was of a modern brick style with concrete tiled roof, in a predominately residential area in Barton Seagrave.

The original bungalow - no. 77 was demolished in early August 2016 and the demolition was reported to us on 09/08/2016.

The site has been split into two plots and permission has been granted for a new dwelling on the northern half of the site under permission KET/2016/0394.

Proposed Development

The application involves the splitting of the plot into two separate plots and the erection of a semi-detached bungalow to be attached to no. 79 and to replace the demolished dwelling (No. 77).

Any Constraints Affecting The Site

Classified 'C' road.

4.0 Consultation and Customer Impact

Neighbours

One letter of objection has been received from the residents at 79 Polwell Lane, which was attached to the demolished no. 77. The letter objects on the grounds that:

- Work had already started on the rear extension (permitted under the void KET/2016/0283) and the footings and brick work erected is larger than that shown on the plans submitted;
- The brickwork erected is very close to the boundary with no. 79 and will result in the roof and guttering of the new dwelling overhanging the boundary;
- The demolition of no. 77 caused damage to no. 79 which has not been repaired.

Barton Seagrave Council

No comments received

Environmental Health

No objection subject to contaminated land condition

5.0 Planning Policy

National Planning Policy Framework

Policy 7: Requiring Good Design

Technical Housing Standards – nationally described space standards, March 2015

Development Plan Policies

North Northamptonshire Joint Core Spatial Strategy July 2016

Policy 1: Presumption in favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Homes

Policy 28: Housing Requirements

Policy 29: Distribution of new homes

Policy 30: Housing mix and tenure

Local Plan

Saved Policy 35: Housing within Towns

SPDs

Sustainable Design

6.0 Financial/Resource Implications

A legal agreement is required. Please see Section 7 below for more detail regarding this.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Background
2. Principle of Development
3. Relationship with 79 Polwell Lane
4. Impact on the character and appearance of the area
5. Residential amenity
6. Access and Parking

1. Background

The original bungalow - no. 77 was demolished in early August 2016 and the demolition was reported to us on 09/08/2016. A site visit was carried out on the same day, one corner of the dwelling was left standing, however it was judged that the dwelling had been substantively demolished. The applicant advised that their intention was to construct a replacement dwelling.

The applicant was ordered to stop all works on site as they had not submitted a Prior Notification for Demolition application for demolition of a residential dwelling or a planning application for the erection of a new dwelling.

The demolition caused damage to the adjoining property no. 79, including:

- Cracks in the rear wall of no. 79 and a large crack in the boundary wall;
- Open tiling and lead work where the two properties joined at front and rear;
- Damaged front and rear boundary fences.

The applicant was advised to carry out repairs to no. 79 as soon as possible to ensure that the property was structurally sound and weatherproof. The owners of no. 79 were advised to contact their insurer and solicitor for legal advice on the Party Wall Act.

The site was monitored and it was noted that work continued on site despite a number of warnings. Footings and four brick courses were erected for the extension permitted under KET/2016/0283, however this permission was made void by the demolition of the dwelling house. Minimal repair works were carried out to no. 79 but the required works had not been completed at this point.

As works relating to the erection of a new dwelling continued on site, a

Temporary Stop Notice was issued on 31/08/2016 which ordered that all works relating to the replacement dwelling should stop. The notice did not include repair works to no. 79 and the applicant was advised that these works should be completed as soon as possible. These repair works have not been completed to date.

2. Principle of Development

The application seeks the division of a plot and the erection of a bungalow. The existing site is located on Polwell Lane. Policy 8 of the NNJC seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area. Paragraphs 56, 58 and 64 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development, and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

Saved policy 35 of the Local Plan states that 'Planning permission will normally be granted for proposals for residential development within the towns, defined by the Town Inset boundaries shown on the Proposals Map, where the proposal is compatible with other policies and proposals in this Plan.' The site is located within the Kettering Town boundary as set out in the North Northamptonshire JCS Policies Map Kettering Inset. Policy 29 of the NNJCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'

Policy 30 of the NNJCS states that 'the mix of house types within a development should reflect: The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people.'

The principle of the proposed two bed bungalow in this location within the Kettering town boundary, a growth town, is in accordance with saved policy 35 of the Local Plan, policy 29 and policy of the NNJCS.

Therefore subject to detailed consideration of the impact of the proposed dwelling having an acceptable impact on the character and appearance of the area and residential amenity, the development is considered acceptable in principle.

3. Relationship with 79 Polwell Lane

The demolition of 77 Polwell Lane caused damage to no. 79 as set out above; to date the applicant has failed to carry out repairs. Therefore it is considered that a legal agreement is necessary based on a recognised surveyors / engineers report.

Repairs are vital in a reasonable time frame to prevent further damage due to water ingress. Therefore the recommendation is to approve the application subject to a legal agreement to secure these repair works.

At the same time the neighbours at 79 Polwell Lane have been made aware of action they can take under the civil powers of the Party Wall Act.

The proposed replacement bungalow would be attached to no. 79 to form a pair of semi-detached bungalows. The proposed bungalow would extend 5m further back than no. 79 and this part of the proposed dwelling would be 0.15m off the boundary. There is a bedroom window in the ground rear elevation of no. 79 adjacent to the boundary.

The proposed boundary wall would be approximately 2.8m in height on the boundary no. 79 and the roof would pitch away. The proposed dwelling would break the 45 degree line on plan but would not break the 45 degree line on elevation; therefore it is considered that the window is unlikely to be adversely affected because light will continue to be received over the roof.

The proposed bungalow would have two velux windows; which would be 3.7m above ground level; in the roof slope facing no. 79 and the side elevation wall would be blank. Therefore the proposal would not result in overlooking of no. 79.

The resident at no. 79 has raised concerns regarding the proximity of the footings and brickwork constructed to the boundary. The applicant has provided a section which shows how the wall and roof will be constructed to ensure that the dwelling will not overhang the boundary. The council's Building Control officer has confirmed that this is a common type of construction and would not be problematic on this site. Therefore it is considered that as long as the proposal is constructed in accordance with this plan (to be secured by condition) the proposal bungalow would not overhang the boundary.

Therefore it is considered that the proposed dwelling would not have a detrimental impact on 79 Polwell Lane in accordance with policy 8 e(i) of the NNJCS.

4. Residential amenity

Policy 8 e(i) of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

Amenity of Future Occupiers

The proposed dwelling provides a total floorspace of 82.4sqm with two bedrooms – one double (13.6sqm) and one single (11.4sqm); therefore the proposal complies with the requirements of the Technical Housing Standards – nationally described space standards, March 2015 in accordance with policy 30 of the NNJCS.

Relationship with permitted new dwelling on land adjacent to no. 77

The site shares its northern side boundary with a vacant plot (formerly forming the side garden of the original no.77) which has extant permission under KET/2016/0394 for a detached bungalow (referred to as the 'new dwelling' from here on).

The proposal would be approximately 2m from the side elevation of the new dwelling, there would be one bathroom window (to be obscure glazed) and two velux windows in the roof slope of the new dwelling facing the application site. The side elevation of the proposed replacement dwelling at no. 77 would contain two bathroom windows (to be obscure glazed), a hall window, the entrance door and two velux windows in the roof slope facing the new dwelling. It is considered that the proposals would not result in overlooking or loss of privacy due to obscure glazing (to be secured by condition), as the hall and entrance door are not habitable rooms, the bathroom windows would be obscure glazed and as the proposed velux windows would be 4m above ground level.

The new dwelling would extend 2m further back than the proposed replacement bungalow at no. 77, however it is considered that this would not have a significant detrimental impact on no. 77.

There would not be any windows serving habitable rooms in the facing side elevations and the two dwellings would impact each other equally. It is considered that this relationship would be acceptable in this case.

Therefore it is considered that the proposal would not have a significant detrimental impact on the new dwelling, nor would the new dwelling have a significant detrimental impact on the proposed replacement bungalow.

There will be no unacceptable impact on the amenity of either the new dwelling

or the proposed replacement dwelling through this proposal and it is therefore considered that the development is in accordance with policy 8 e(i) of the NNJCS.

Other Amenity Considerations

The site backs onto 20 Cavendish Close, the proposed bungalow would be approximately 18.5m from the rear boundary with no. 20. Given this separation distance and the single storey nature of the proposal it is considered that the proposal would not have a detrimental impact on 20 Cavendish Close.

There will be no unacceptable impact on the amenity of neighbouring residents through this proposal and it is therefore considered that the development is in accordance with policy 8 e(i) of the NNJCS.

The impact on No. 79 has been assessed in the previous section of this report.

4. Impact on the character and appearance of the area

The site is located on Polwell Lane in Barton Seagrave, there is a range of styles of dwellings with a large number of bungalows of different styles. The site was part of a double plot which would be divided in two by this proposal.

The plot previously contained no. 77 which has been demolished. The proposal involves the erection of a replacement semi-detached bungalow (attached to the existing no. 79) measuring approximately 7.2m wide, 12.9m deep and 5.7m in height with a pitched roof.

The proposal would provide two bedrooms (one en-suite), one family bathroom, a kitchen / breakfast room and a lounge.

The design of the resulting dwelling would fit in with the varied style of the nearby dwellings and would not be detrimental to the surrounding dwelling designs.

Overall the proposal will have an acceptable impact on the character and appearance of the area and accords with the relevant parts of Policy 7 (NPPF) and Policy 8 (NNJCS).

5. Access and Parking

The site will share an existing access to the site with the new dwelling. The site will provide parking for two cars to the front of the dwelling.

It is considered that the proposal would provide adequate access and parking and would not prejudice highway safety in accordance with policy 8 of the NNJCS.

Conclusion

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area and on residential amenity. Subject to a legal agreement being completed and conditions the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: