

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 13/12/2016</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2016/0714</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>8 Bridle Road, Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: 3 no. bungalows including access, parking and amenity space</b>	
<b>Applicant</b>	<b>Mr D Smith D S Developments</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. The development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.

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, roofing, surfacing and boundary treatment materials to be used 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 8 of the North Northamptonshire Joint Core Strategy.

4. No development shall take place on site until full architectural details of all windows and doors (and their surrounds), verge, eaves 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: Details are required prior to commencement of development in the interests of visual amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. 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.

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: A contamination survey is required prior to development commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy 6 of the North Northamptonshire Joint Core Strategy.

6. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation (WSI) and a timetable for that work. The development shall thereafter proceed in accordance with the approved WSI and timetable.

REASON: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 12).

7. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 6 above the

applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited

REASON: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 12).

8. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be 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 scheme.

REASON: Details for the provision of surface and waste water drainage are necessary prior to commencement of development to prevent pollution of the water environment in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

9. No development shall take place until a plan showing details of existing and intended final ground and finished floor levels 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: Finished Floor Levels are necessary prior to commencement to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to first occupation of the dwellings a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and details of hard surfacing shall be submitted to and approved in writing 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 8 of the North Northamptonshire Joint Core Strategy.

11. Prior to occupation of the first dwelling hereby approved details of the ownership and maintenance arrangements of the sites open space towards the front of the site along its southern edge shall be submitted to and approved in writing by the local planning authority. The proposal shall be carried out in accordance with the submitted information.

REASON: Details are required in the interests of visual amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. The development hereby permitted shall not be occupied, until the vehicle parking spaces and turnings areas have been constructed and surfaced in accordance with the approved details, and those spaces and turning areas shall thereafter be reserved for the parking and turning of vehicles.

REASON: In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

13. The surface water from the access shall not discharge onto the highway, the access gradient into the site shall not exceed 1 in 15 for the first 5 metres from the highway boundary and pedestrian visibility splays of 2m x 2m with nothing above 0.6m shall be provided at the highway access and retained in perpetuity.

REASON: In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

14. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority. Monday to Friday 08.00 to 18.00 hrs, 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 interest of residential amenity and policy 8 of the North Northamptonshire Joint Core Strategy.

15. Measures shall be taken to prevent spoil or mud being deposited on the public highway from vehicles leaving the site during the construction work for the duration of the construction period.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. 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 building, structure or other alteration permitted by Class B of Part 1 of Schedule 2 of the Order shall be constructed on Plot 1 (as shown on the approved drawings).

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

## **Officers Report for KET/2016/0714**

This application is reported for Committee decision because there are unresolved, material objections to the proposal from a neighbour and the Town Council

### **3.0 Information**

#### **Relevant Planning History**

KET/2013/0575 – Demolition of bungalow and garage [and erection of] 4 dwellings including access – refused – 01/11/2013 – ALLOWED by appeal – 18/08/2014

KET/2016/0251 - four bungalows, including access, parking and amenity space – REFUSED – 23/05/2016

KET/2016/0557 - four residential dwellings (two single storey and two one-and-a-half storey) including access, parking and amenity space – Refused – 22/09/2016 for the following reason:

*By reason of the quantum of dwellings proposed, the proposal results in an unacceptably dense and cramped development that fails to respect its back-land situation and verdant character and provide the spaciousness envisaged or otherwise take the opportunity available to improve the quality of the area. Thereby the application would be harmful to the visual amenities of the site and the character and appearance of the area.*

#### **Site Description**

Officer's site inspection was carried out on 20/10/2016.

The site is located within Town confines in an established residential area which consist of a variety of house types. The site is in a back-land situation and has been cleared in readiness for the proposed housing.

#### **Proposed Development**

The application seeks full planning permission for three detached dwellings; consisting of one 2-bed bungalow with integral garage and two 3-bed one and a half storey dwellings with attached garages. The access driveway would pass to the south of 8 Bridle Road which is currently being remodelled to make way for this highway ingress.

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

None

## 4.0 Consultation and Customer Impact

**Burton Latimer Town Council: *Objection*** stated; on the following summarised grounds:

- Lack of traffic information
- Inadequate visibility splays and access off Bridle Road which is also a designated school bus route and a pedestrian route for pupils
- Not a designated development site in the town plan
- Overdevelopment
- Density too high for the area
- Possible impact on the foundation of neighbouring properties

**KBC Environmental Health: *No objection*** stated subject to the imposition of contaminated land conditions

**NCC - Local Highway Authority (LHA): *No objection*** stated subject to the imposition of conditions relating to splays, drainage and control of deleterious material on to the highway.

**NCC – Archaeology: *No objection*** subject to the imposition of conditions requiring the approval of a written scheme of investigation.

**Neighbours:** One third party **objection** received from 27 Sandpiper Close on the basis of overdevelopment, lack of privacy and outside space associated with the new dwellings and loss of their amenities because of light and noise pollution especially since the felling of some trees that were on the boundary.

## 5.0 Planning Policy

### **National Planning Policy Framework**

Core Principles

Policy 6 – Delivering a wide choice of high quality homes

Policy 7 – Requiring good design

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1 – Presumption in favour of sustainable development

Policy 4 – Biodiversity

Policy 6 – Development on brownfield land and land affected by contamination

Policy 8 – Place shaping

Policy 9 – Sustainable buildings

Policy 11 – The Network of urban and rural areas

Policy 29 – Distribution of new homes

Policy 30 – Housing mix and tenure

#### **Local Plan**

Policy 35 – Within Towns

**SPGs**

Sustainable Design SPD

**6.0 Financial/Resource Implications**

None

**7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety and convenience
5. Impact on biodiversity
6. Impact on archaeology
7. Impact of possible ground contamination
8. Response to objections

**1. Principle of the development**

The principle has been established by the granting of planning permission through appeal (ref: KET/2013/0575), which is extant, because of the sites location within Town confines and therefore accordance with development plan policies.

**2. Impact on the character and appearance of the area**

Paragraph 14 of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. The Framework in Chapter 7 – Requiring good design – says that development should be *visually attractive as a result of good architecture and appropriate landscaping*. In addition Policy 8 of the Joint Core Strategy (JCS) seeks development to *Make safe and pleasant streets and spaces*.

Whilst in a back-land situation housing in this location has been established through the allowed appeal and as such the principle of housing in the context of the area is not considered to be objectionable, at least until a time when that permission is not extant.

A material consideration for the Inspector in the appeal was its associated indicative plan which critically showed that the configuration of the site would allow three dwellings in this rear area. The Inspector concluded that *the site is sufficiently large to enable it to accommodate three dwellings in the rear area with a density that would reflect existing development in the nearby area* and going on to say that *This would maintain the appearance of the area*. Furthermore the appeal decision includes a condition (6) requiring the dwellings to be a maximum height of 1.5 stories. As such the quantum of development proposed here and also their heights have been established by



the appeal decision. Given that this appeal decision is extant there is no reason to take a different approach; thereby and given that the dwellings are modest in scale and footprint the proposed number of dwellings would not represent overdevelopment.

The configuration of the dwellings on the site allows for an open landscaped approach which would give a sylvan quality to the proposal and the spaciousness that the development of such a backland area should seek to provide. It is not entirely clear how this area of landscaping would function and as such a condition is attached requiring details of its ownership and maintenance to be approved prior to occupation of the first dwelling. The design of the dwellings are inoffensive and given the inconspicuous nature of the site within the streetscape would not erode the linear nature of Bridle Road or otherwise have a harmful impact on the character and appearance of the surrounding area.

As such and unlike the recent refused proposals on the site which sought permission for four dwellings the application is considered to result in a satisfactory density and design that respects the locality and in particular its back-land situation and thereby is considered to be acceptable in this regard.

### 3. Impact on residential amenity

Due to the low profile of the proposed properties together with their proximity and relationships to surrounding dwellings, most notably approximately 25m distance between plots 2 and 3 and the rear elevations of the Sandpiper Close dwellings the proposal would not result in an adverse impact to residential amenity and as such is considered to be acceptable in this respect.

There would be no reason to believe that the comings and goings associated with such a low dense residential development would cause such disturbance to surrounding properties, as a result of noise of light, so as to be considered detrimental to their amenities. The Council's Environmental Health Officer has raised no concerns in this respect.

The proposal ensures an acceptable level of mutual residential amenity for future occupiers and also provides sufficient amount of private outside space. On this basis the proposal is unlikely to have a significant impact on the amenity of neighbouring properties and would not have a negative impact to the quality life experienced by future occupiers; in accordance with Policy 8 of the JCS.

### 4. Impact on highway safety and convenience

In allowing the appeal on the site the Inspector opined that subject to the imposition of conditions the proposal would not result in adverse harm to highway safety.

The number of dwellings proposed here to be served off the shared drive is the same as that approved in the appeal. As such and with no reason to come to a different view, the proposal is considered to maintain highway safety subject to conditions with at least two off-road parking spaces per dwelling, plus the

garage, being sufficient provision whilst also allowing emergency vehicle access. The garages are appropriately sized and useable for modern vehicles, with an opening width not less than 2.8m and an internal depth of 6m. Thereby and with no objection from the Local Highway Authority the proposal is considered to be acceptable in this regard.

#### 5. Impact on biodiversity

The appeal inspector stated that *There is no evidence to suggest the development would harm wildlife or trees that merit retention*. Given that the appeal permission is extant and that there has been no notable change to the site circumstances other than some clearance there is no reason to take a different approach. As such the proposal is considered to be acceptable in this respect.

#### 6. Impact on archaeology

Due to the recent discovery of Iron Age artefacts close to the south of the site the County Archaeologist considers that there is the potential for remains to be found on site, albeit truncated by modern development. They go on to say, however, that this would not represent an over-riding constraint to development subject to adequate provision being made for the investigation and recording of any remains that are affected. Such arrangements are ensured by condition through the approval of a written scheme of investigation. As such safeguards can be reasonably put in place to protect archaeology the proposal is acceptable in this regard.

#### 7. Impact of possible ground contamination

The impacts to health and ground water supply arising from any possible ground contamination would be prevented through the imposition of safeguarding conditions.

#### 8. Response to objections

The concerns raised by a neighbour and the Town Council with respect to highway safety, density and residential amenity are considered above and whilst the site is not designated for residential in the Town Plan the principle is not contested given the sites location within Town confines and given the status of the Plan affording little weight.

The Town Council also has concerns with respect to the potential for the development to compromise the foundations of surrounding dwellings. Given the proximity of the surrounding dwellings and the use of modern building techniques there is no reason to believe that such an issue would arise.

### **Conclusion**

In light of the above the proposal is considered to be acceptable in all respects subject to certain conditions and therefore complies with development plan policy and the NPPF and therefore is recommended for approval.

Title of Document:

Ref:

Date:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316