

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/01/2017	Item No: 5.1
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 (Revised Proposal)	
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 the following Condition(s):-

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 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; Section through Kitchen PL/20 received by the local planning authority on 13/10/2016 and Existing & Proposed Layout & Elevations PL/01B received by the local planning authority on 04/01/2017.

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.

8. No development shall take place on site until a scheme for boundary treatment to the front and rear gardens and to include any infilling / levelling of ground required has been submitted to and approved in writing by the Local Planning Authority. The dwelling 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.

Officers Report for KET/2016/0622

This application is reported for Committee decision because there are changes proposed to the plans previously approved by the Committee.

Update

The purpose of this update is to (i) advise on what has been achieved following the resolution to grant planning permission for the erection of a semi-detached bungalow previously considered at Planning Committee on 8th November 2016; and (ii) to ask committee to base approval of an amended plan described below. The resolution in November 2016 was for approval as set out in the minutes below:

‘This application be approved subject to conditions stated but that the anticipated statement from the Party Wall Surveyor and evidence to demonstrate how the neighbour’s party wall will be dealt with is to be first received and checked by Officers.’

A report from the Party Wall Surveyor David Smith Associates, who has been acting for both the applicant and the neighbours at 79 Polwell Lane, was received on 4th January 2017. This report confirms that all Party Wall works have been completed and are to an appropriate standard.

The neighbours at 79 Polwell Lane have confirmed in writing that they are satisfied that the works set out in the Party Wall survey have been completed and are to a satisfactory standard.

The applicant has now submitted an amended plan increasing the depth of the proposed dwelling by approximately 1.5m. This would result in the proposed dwelling extending 6.5m beyond the rear elevation of no. 79 and this part of the proposed dwelling would be set 0.15m off the boundary to ensure that the guttering doesn’t overhang. There is a bedroom window in the ground rear elevation of no. 79 adjacent to the boundary.

The proposed boundary wall would be approximately 2.7m in height on the boundary with 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 bedroom window is unlikely to be adversely affected because light will continue to be received over the roof and the adjoining dwelling would not be overbearing.

A retaining wall has been erected in the rear garden to provide a level area in the garden, an amended site plan and elevations showing the retaining wall and level changes to the garden is being provided and will be available to the committee.

An additional condition will be attached requiring the applicant to erect a new boundary fence within the front garden to replace the fence removed by the applicant and to make good the boundary to the rear including any works to level the ground.

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

Recommendation

It is recommended that planning permission on application ref KET/2016/0622 be issued based on the amended plan, drawing number PL/01B and conditions above.

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: