

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 27/06/2017</b>	<b>Item No: 5.10</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2017/0349</b>
<b>Wards Affected</b>	<b>Ise Lodge</b>	
<b>Location</b>	<b>Leather Craftsman, St Stephens Road, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Erection of 4 no. semi-detached and 1 no. detached bungalows, with off street-parking</b>	
<b>Applicant</b>	<b>Mr J Harmon Seagrave Developments Ltd,</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 and details shown on approved drawings 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 and roofing 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. Prior development being carried out and notwithstanding the submitted plans 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 (where an alternative to tarmac shall be explored) 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.

5. No development shall take place on site, notwithstanding the submitted details, until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority and shall not include the provision of closed-board fencing visible within the public realm to the northern edge of the site. The development 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.

6. Prior to the commencement of development a scheme for the provision of the surface (with soakaways the first option) 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 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction

REASON: In the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

8. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

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

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

10. 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 the application site.

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/2017/0349

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

### 3.0 Information

#### **Relevant Planning History**

KET/2017/0170 – Demolition of public house and erection of 6 semi-detached bungalows with off-street parking – WITHDRAWN- following Officer concern with respect to site density and design

KET/2017/0281 - Prior Approval for Demolition of public house – APPROVED – 02/05/2017 – This type of application does not allow the Local Planning Authority to assess the proposal against planning merits but rather whether the demolition accords with Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015

#### **Site Visit**

Officer's site inspection was carried out on 19/05/2017

#### **Site Description**

The 0.17ha site is located at the corner of St Anne's and St Stephen's Road and is a cleared site which until recently included the 'Leather Craftsman' public house and is within a principally residential area with a small parade of retail and food outlets to the south.

#### **Proposed Development**

The application seeks full planning permission for four 2-bed semi-detached bungalows and one 3-bed detached bungalow with frontage parking

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

None

### 4.0 Consultation and Customer Impact

**KBC – Environmental Protection:** *No objection* stated subject to the imposition of conditions relating to a construction method statement, unexpected land contamination, radon gas and acoustic separation of dwellings

**NCC – Local Highway Authority (LHA):** *Objection* stated because of plots 1, 2 and 3 not having a demarked 5.5m length for a car parking space and the inflexibility of paving slabs as a surfacing to the spaces.

*OFFICER COMMENTS: Amended drawings have been provided that overcome this objection*

**Neighbours:** Three third party letters of **objection** received from nearby dwellings; on the following summarised grounds:

- Highway safety concerns as a result of parking congestion in the area because of visitors to the nearby shops especially so close to the junction and within close proximity to a bus stop – driveways being blocked
- Problems arising for emergency vehicles access
- Overlooking
- The demolition of the pub was not subject to public consultation
- Loss of a community facility

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF):**

Core Principles, Chapter 6 (Delivering a wide choice of quality homes) and 7 (Requiring good design)

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy (JCS) Policies:**

- 5 – Water environment, resources and flood risk management
- 6 – Development on brownfield land and land affected by contamination
- 8 – Place shaping
- 9 – Sustainable buildings
- 11 – The network of urban and rural areas
- 15 – Well-connected towns, villages and neighbourhoods
- 28 – Housing requirements
- 29 – Distribution of new homes
- 30 – Housing mix and tenure

#### **Saved Policy in the Local Plan (LP) for Kettering Borough:**

- 35 – Housing: within towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The principle of the development
2. Loss of a community facility
3. Impact on the character and appearance of the area
4. Impact on residential amenity
5. Impact on highway safety and convenience
6. Impact of possible ground contamination
7. Impact on flooding and drainage
8. Sustainable buildings
9. Response to objectors

## 1. The principle of the development

The site is located within the Town's boundaries as defined by Policy 35 of the Local Plan (LP). As such the broadest principles of developing the site for housing are consistent with the strategic aims of LP policy and policies 11 and 29 of the JCS which guides development to Growth Towns in the interests of a sustainable pattern growth and the protection of the rural areas. This Development Plan approach is consistent with the NPPF for seeking the right development in the right places.

In addition, whilst the site until recently included a public house because of its lawful demolition it is considered to have a 'nil' use and thereby would constitute consideration as a 'brown-field' land. Policy 6 of the JCS consistent with the Core Principles of the NPPF encourages the effective use of land such land. Therefore development of the site is activity pursued through planning policy.

As such the principle of developing the site is considered to be acceptable subject to the proposal being found acceptable in all other respects. These other material considerations are discussed below.

## 2. Loss of a community facility

Policy 7 of the JCS seeks proposals to support community facilities. In this case whilst the site until recently included a community facility it was subject to a Prior Approval for Demolition application which was approved.

Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order and in the case of Demolition are considered under the Criteria laid out in Part 11 Class B of that Schedule. A local planning authority cannot consider any other matters when determining a prior approval application.

Whilst the prior approval process does not require a Local Planning Authority consultation exercise; details relating to the submission of the application and the buildings proposed demolition are displayed at the premise. In this case on the sites surrounding heras fencing. Partly the intention of the site notice is to give the opportunity of surrounding residence to apply to the Council to have the use designated as an Asset of Community Value. No such request was made to the Authority by surrounding residents or others and the responsible Office of this Council also did not consider the building worthy of such nomination. As such and as the buildings demolition met all the other criteria of Part 11 Class B of General Permitted Development Order prior approval was granted and the building demolished.

The failure to be able to consider the loss of the public house as a planning consideration was an issue raised by a neighbour and as such is why it receives attention here. In light of the above it is apparent that demolition of the Public House was permitted in full accordance with legislation and proper

process and third parties failed to take the opportunity available to explore possibilities available for retaining the public house as a community asset.

As such the site has a 'nil' use with no loss of community facility to consider under JCS Policy 7 and thereby this issue does not pose a constraint to development.

### 3. Impact on the character and appearance of the area

Policy 8 (d) of the JCS consistent with Chapter 7 of the NPPF requires good design and for proposals to respond to local character.

The pleasing sub-urban character of the area is derived from the set-back of the dwellings from the highway edge and their spacing's which give spaciousness with their variance and use of cladding materials creating interest.

The chosen bungalow approach to the proposal whilst not entirely consistent with the vernacular of the area would not look especially out of place given the variances to house types evident in the locality notably including 'chalet' type bungalows and dwellings with a front projecting cat-slide roof element. As such low eave levels and large roof expanses are common features in the street scape. Therefore the provision a bungalow typology is considered to be acceptable.

Having reduced the density of the proposal from the six dwellings proposed in the withdrawn application, it is considered that the size of the site allows for sufficient spacing's and highway set-back to ensure that there are no overdevelopment concerns.

The design of the dwellings whilst they fail to take cue from surrounding dwellings in terms of materials is inoffensive. The layout includes the provision of frontage parking which generally is not encouraged as it results in a car dominated frontage and reduces the amount of soft landscaping that could be provided. To tackle these two issues the applicant was asked by the Case Officer to amend the proposal and a revised scheme which saw side parking was instead suggested. Unfortunately the applicant preferred not to amend the proposal and indicated that the proposal should be determined as submitted.

Whilst frontage parking is evident in the locality and therefore its provision here is consistent there is the realistic opportunity to improve on the quality of the proposal. As such the proposal in this respect is presented as being 'on balance' and because of the variances in house type in the area and frontage parking the harm caused is lessened and relate primarily to good design principles. For that reason the sway is to find the proposal acceptable in this regard whilst acknowledging its identified short-comings.

Conditions will be attached including requiring details of the material and boundary treatments with the latter specifically resisting the provision of closed board fencing to boundaries readily apparent in the public realm.

#### 4. Impact on residential amenity

Policy 8 (e) of the JCS seeks to protect amenity, which is derived from the core principles of the NPPF, which amongst other things aims to secure a good standard of amenity for all existing and future occupants of land and buildings.

Due to the proximity, orientation and relationship of the proposal to neighbouring dwellings and their windows together with its modest profile the proposal would not result in an adverse impact to neighbours as a result of loss of light, privacy or outlook. In particular the closest residential receptors to the west at 15 Anne's Road and 5 St. Augustine's Close would be approximately 11m from the side elevation of plot 5. Given that the application proposes a single storey dwelling with a hipped roof facing the affected dwellings and with no openings in the facing elevation (including its roof plain) this is considered to be sufficient distance to protect neighbours privacy, light and outlook. This distance is also considered to be sufficient to provide acceptable levels of privacy for future occupiers of the proposal and in particular its plot 5.

An objection on this issue was received from an occupier opposite and to the north which would directly face the front elevations of plots 4 and 5. The separation distance between these properties is approximately 27m which is more than adequate to ensure acceptable levels of privacy and is an arrangement common place in the area especially when considering that the proposal is single storey. As such the proposal is not considered to result in an adverse impact to the quality of life experienced at neighbouring dwellings.

The application proposes sufficient outside and inside space for future occupiers and subject to the inclusion of a condition removing permitted development rights to the proposed dwellings, in particular with regard the construction of rear dormers, the proposal is considered to offer a good standard of amenity for occupiers of the proposal.

Any significant issues arising as a result of construction of the proposal will be safeguarded through the provision of a condition requiring the approval of a Construction Method Statement as recommended by the Council's EPO. As such the proposal is considered to be acceptable in this regard.

#### 5. Impact on highway safety and convenience

Policy 8(b) of the JCS seeks to ensure a satisfactory means of access and provision of parking.

The application proposes two off-street parking spaces per property which is considered to be adequate provision for a development in this location. Whilst it is appreciated that the Case Officer's site visit provides a snap-shot of the on-street parking situation in the area and that visitors to the commercial units nearby may create periods of significant on-street parking in the locality there is no reason to believe that the congestion in the area is such that it could not accommodate visitor parking associated with the proposal. Thereby and with no objection from the Local Highway Authority (LHA) on this issue the proposal would not result in an adverse impact to highway safety as a result of



increased parking congestion that may arise in the locality nor give rise to concern with respect to emergency vehicle accessibility.

The LHA concerns relate to the lack of a 5.5m length demarked area for parking for units 1, 2 and 3 so that pedestrians may open car boots without hindering the pathway and the type of inflexible surfacing materials used for the spaces. Amended drawings have been provided which show a lengthening of the car parking spaces to 5.5m and a change to a flexible (tarmac) surfacing material. As such the concerns of the LHA have been overcome and therefore the proposal would not result in harm to highway safety and thereby the proposal is acceptable in this regard.

#### 6. Impact of possible ground contamination

Policy 6 of the JCS seeks development to be safe in this respect. Any impacts arising as a result of possible ground contamination will be prevented through the provision of an unexpected contamination condition as recommended by the Council's EPO.

#### 7. Impact on flooding and drainage

Policy 5 of the JCS says development should contribute towards reducing the risk of flooding and the protection of the water environment.

As the site is not located in a flood sensitive area, is below the 1ha threshold for the provision of a flood risk assessment and is a developed site with surface water run-off an existing situation the proposal would not likely result in an adverse impact to flood risk in the area.

The submitted landscape plan does however mention that the rainwater associated with plots 1-3 would discharge into the main drains rather than via soakaway. Whilst this may be acceptable first option should be to discount the use of a soakaway as a method of dealing with rainwater. As such a condition will be attached requiring details of the drainage proposed.

#### 8. Sustainable buildings

Policy 9 of the JCS seeks development to incorporate measures to ensure high standards of resource and energy efficiency. This matter is dealt with through compliance of buildings regulations at the time of construction.

#### 9. Response to objectors

The issues raised by third parties with respect to the impact of the proposal to highway safety, emergency vehicle access, residential amenity and the failure to consider the loss of the public house as a community facility are discussed above. The proposal is considered to be acceptable in these regards with no persuasive evidence provided that would justify a different approach on these matters.

### **Conclusion**

In light of the above and despite the design of the proposal being an 'on-balance' consideration the application is considered to comply with the

Development Plan with no other material considerations that would justify coming to an alternative view.

**Background Papers**

Title of Document:

Date:

Contact Officer:

**Previous Reports/Minutes**

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316