

BOROUGH OF KETTERING

Committee	Full Planning Committee - 18/07/2017	Item No: 5.9
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2017/0431
Wards Affected	Ise Lodge	
Location	151 Warkton Lane, Kettering	
Proposal	Full Application: 1 no. bungalow	
Applicant	Mr H Jalwal	

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 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. No development shall commence until a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted/retained and details of hard surfacing has been 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 until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. 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. 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.

7. The development shall not be occupied until the 2.4m x 2.4m visibility splay has been provided in accordance with the approved details. The sight lines shall thereafter be permanently retained and kept free of obstacles above 0.9m in height.

REASON: To provide satisfactory access in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

8. 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 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 interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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.

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 A, B, C and F 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/2017/0431

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

3.0 Information

Relevant Planning History

None

Site Visit

Officer's site inspection was carried out on 16/06/2017

Site Description

The site measures approximately 200sqm of garden land with trees and closed board fencing along its shared western and southern boundaries. The site fronts St. Catherine's Road, is adjacent to a detached single garage associated with a neighbouring property and is located within an established residential area consisting of detached and semi-detached houses and bungalows.

Pre-application

Pre-application advice was given under reference PRE/2017/0020 for a three bed bungalow. Officers supported the principle of the proposal but did not the size and scale of the building or the provision of frontage parking. The applicant was advised to reduce the scale of the proposal and resist frontage parking akin to the bungalows opposite. This application has been submitted broadly in-line with the pre-application advice.

Proposed Development

The application seeks full planning permission for a two bed bungalow with two off street car parking spaces.

Officers Note: In response to objections the originally submitted proposal was amended. The key alteration was to replace the original gable roof design to a side facing element to a hipped design. The application is determined as per these amendments.

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 construction hours and unexpected contamination and a radon informative

Neighbours: Four third party **objection** letters received from (or on behalf of) surrounding occupiers; summarised grounds:

- Loss of privacy
- Overbearing impact
- Overdevelopment
- Flood risk
- Noise impacts
- Drawings not consistent in terms visibility splays and compromising use of the adjacent garage
- Affect house prices
- Would cause traffic congestion in the area when considered together with the nearby 'Kettering East' housing development which would affected the deliveries and service associated with less able occupiers in the locality
- No need for bungalows in the area as others have been permitted in the area
- Disruption during construction

5.0 Planning Policy

National Planning Policy Framework (NPPF)

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

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

- 6. Land affected by contamination
- 8. Place shaping
- 9. Sustainable buildings
- 11. The network of urban and rural areas
- 28. Housing requirements
- 29. Distribution of new homes
- 30. Housing mix and tenure

Saved Policies in the Local Plan 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. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety and convenience
5. Impact on flooding and drainage
6. Impact of possible ground contamination
7. Sustainable buildings
8. Response to objectors

1. The principle of the development

As the site is located within the confines of the Town as defined by Local Plan policy 35 the proposal is consistent with Joint Core Strategy (JCS) Policies 11 and 29 which seek to guide development to Towns in the interest of a sustainable pattern of growth and the protection of the rural area. As such the principle of the proposal in this location is considered to be acceptable.

As the site comprises garden land, however, it is not considered to be 'brownfield' and therefore there is not that immediate encouragement for its development by the JCS or the NPPF. To be successful the merits of the proposal should be acceptable in all other respects notably including its impact on residential and visual amenity and highway safety. These and any other relevant matters will be considered below in the context of Development Plan policies.

2. Impact on the character and appearance of the area

Policy 8 (d) of the JCS consistent with Chapter 7 of the NPPF seeks development to respond to an areas local character and wider context.

The area is defined by its pleasant spacious suburban character which primarily is derived from its open frontages; spacing's between buildings and particularly in the immediate locality by the row of bungalows opposite the site with the countryside beyond to the north.

The proposal would inevitably have 'absolute' harm to the treed character and appearance of the site and thereby the contribution this makes to the areas spaciousness. These trees can be removed at any time without planning permission. The size of the site and the modest height and scale of the proposal with a shallow roof pitch is akin to the bungalows and their plots opposite including the provision of an open frontage, gaps between the building and the boundaries of the site and side parking. Those factors together with a separation gap of 8m being provided between the proposal and the host property means that the areas open sub-urban character is not fundamentally changed or significantly harmed to such as degree to be considered detrimental.

The building sits comfortably on the site and would not appear cramped in its surrounding context or be at odds with the surrounding dwellings. Furthermore, the design and appearance of the property would be in keeping with those opposite, in terms of materials, roof pitch, external appearance, landscaping and access. Accordingly the proposal would not harm the character and appearance of the area and therefore is considered to be acceptable in this regard subject to the imposition of conditions requiring the approval of materials and a landscaping scheme prior to development commencing. The possible retention of some of the boundary trees could be explored when the landscaping details are considered by condition.

3. Impact on residential amenity

The JCS in Policy 8 (e), consistent with the Core Principles of the NPPF, states that development should protect the amenity of all future and surrounding users of land and buildings.

Due to the low single storey profile of the building with an eaves height of 2.5m and a total height of 4m together with 11m of separation between the rear elevation of 66 and 68 St. Saviour's Road and 8m separation from the rear elevation of the host property and no openings shown above ground floor the proposal is not considered to result in a harmful impact to neighbours amenities as a result of loss of light, privacy or outlook. Any overlooking would be prevented by boundary screening given that all the windows proposed are at ground floor level. The insertion of windows in the roof can be controlled by condition. Whilst the proposal would result in a change to the outlook experienced at the affected properties that change is not considered detrimental to residential amenity. Any noise from emanating from the site would be related to the proposals domestic use and thereby there is no reason to believe that this would cause an adverse disturbance to amenity. These separation distances and relationships also ensure that the proposed dwelling would not experience harmful impacts to its residential amenity from surrounding properties.

In order to safeguard neighbours amenities going forward some permitted development rights for the property will be revoked by condition; in particular this would prevent any insertions within the roof or extensions without first seeking planning permission.

There are not likely to be significant issues arising as a result of the construction of only one dwelling although to safeguard residential amenities hours of construction will be conditioned as recommended by the Council's EPO.

The amount of outside space associated with the proposal and the amount being retained by the host dwelling are considered to be acceptable for domestic purposes subject to the revocation of the proposed dwellings permitted development rights. The internal accommodation proposed is consistent with National Space Standards which, amongst other things, is sought as part of Policy 30 of the JCS.

As such subject to the inclusion of the safeguarding conditions discussed and with no objection by the Council's EPO the proposal is considered to respect neighbours amenities as well provide a good standard of amenity for future occupiers. The proposal is therefore considered to be acceptable in this respect.

4. Impact on highway safety and convenience

The JCS in Policy 8 (b) seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

The provision of two parking spaces for a two-bed property is considered to be sufficient along a street with no evident congestion issues. The proposal demonstrates that safe visibility splays can be achieved at the access with the use of neighbouring land which due to its functions as a parking space can be expected to stay clear. The proposal would also maintain and likely improve on the highway visibility of that adjacent space especially looking east.

As such subject to the imposition of relevant safeguarding conditions, particularly with respect to the assurance visibility splays the proposal is considered to maintain highway safety. Therefore the proposal is considered to be acceptable on this matter.

5. 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 the proposal would not likely result in an adverse impact to flood risk. The submitted information states that foul drainage would connect up to the existing network and a soakaway installed to deal with run-off. In dealing with surface water in this way this may improve the sites drainage capability and the localised flooding incidents highlighted by a third party respondent as a concern.

As such and with no evidence produced that would support a different view the proposal would not result in flood risk with a suitable method in place to deal with foul water and thus the proposal is considered to be 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 Environmental Protection Officer.

7. 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.

8. Response to objectors

The issues raised by third parties with respect to the impact of the proposal to highway safety, residential and visual amenity and flood risk are discussed above and the drawings are considered to be of sufficient clarity to enable for a fully informed decision to be made. The need for the proposal is not brought into question, regardless of whether or not there are similar dwellings proposed nearby as there is a presumption in favour of housing development in sustainable locations

such as this imbedded within Development Plan policy and the NPPF. The issue raised with regard to property values is not a material planning consideration and therefore has not been taken into account.

As such 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 the application is considered to comply with the Development Plan with no other material considerations that would justify coming to an alternative view and thereby the application is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: