

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/04/2018	Item No: 5.1
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2017/0742
Wards Affected	Desborough Loatland	
Location	67, 69 and 71 Braybrooke Road (land to rear), Desborough	
Proposal	Full Application: Two pairs of semi-detached dwellings and alterations to access	
Applicant	Mr Paul Green, Braybrooke Road Desborough Ltd	

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 listed 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, together with samples, 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 on site until details of the construction and finish of the means of access and all hard and paved surfacing within the site have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include provisions for a hard bound surface for a minimum of the initial 5.0m measured from the highway boundary, the means to ensure that surface water does not discharge on to the highway and confirmation that the gradient of the vehicular access shall not exceed 1 in 15 for a minimum of the first 5.0m from the highway boundary. The access, which shall measure a minimum of 4.5m in width for a minimum of the initial 10.0m measured from the highway boundary as depicted on approved plan KA13165-001 Rev E, and all hard and paved surfacing shall be completed in accordance with the approved details before the adjoining buildings are first occupied and retained as approved at all times thereafter.

REASON: Details of are necessary prior to the commencement of development in the interests of visual amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The windows hereby approved at first floor level on the north and south-facing side elevations of all plots 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 and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. 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.

7. 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 or E of Part 1 of Schedule 2 of the Order shall be erected, constructed or made on the application site.

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.

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. 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.

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 Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to first occupation of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved 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 newly approved 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 and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Prior to the first occupation of the development hereby approved, full details of refuse storage and collection facilities shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be made available for use. The collection facilities shall be positioned so as not to impede access or visibility. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of public health and safeguarding residential and visual amenity and highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. All dwellings shall be constructed to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition).

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy 2016.

13. No development shall take place until a plan prepared to a scale of not less than 1:500 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: To protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Any gates provided shall be set back a distance of 5.5 metres from the edge of the vehicular carriageway of the adjoining highway and shall be hung so as to open inwards into the site only.

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

15. Prior to the first occupation of the dwellings hereby approved one bird box shall be installed in each of the rear gardens of each of the four dwellings. These shall be a mix of open-fronted and 32mm entrance hole types.

REASON: To contribute to a net gain in biodiversity on site in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2017/0742

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

3.0 Information

Relevant Planning History

KET/2017/0657 – 2 pairs of semi-detached dwellings and alterations to access. Withdrawn 14/09/2017.

KET/2013/0506 - 4 no. dwellings with new access. Approved (Outline application) 20/12/2013.

KET/2012/0174 – 4 no. semi-detached dwellings. Withdrawn (Outline application) 15/08/2012.

KET/2011/0621 – 4 no. semi-detached dwellings. Withdrawn (Outline application) 12/12/2011.

KET/2005/0266 – Construction of 3 no. dwellings and associated parking. Refused 16/05/2005.

KET/2004/1218 – One dwelling. Approved 10/01/2005.

KET/2004/1023 – Two no. dwellings. Withdrawn 11/11/2004.

Site Visit

Officer's site inspection was carried out on 26.9.2017.

Site Description

The application site lies on the south side of Braybrooke Road, Desborough. It is accessed from Braybrooke Road, a classified C road, by a narrow grassed access in between No's. 71 and 73a. This access is approximately 3.5-3.7m wide. The site consists of the access and parts of the three former back gardens of No. 67, 69 and 71 Braybrooke Road, which have been fenced off separately to create this potential development site. Therefore surrounding the site are the rear gardens of various dwellings, the closest of which is the rear extension to No.71 Braybrooke Road, which is 7.5m to the north of the application site. There is a derelict dwelling, No. 73 Braybrooke Road, located to the south of the site.

The surrounding properties are a combination of two storey detached, semi-detached and terraced dwellings. There are a range of designs and finishes to the surrounding dwellings within the locality.

Proposed Development

It is proposed to construct 2 pairs of semi-detached 3 bedroom dwellings accessed from Braybrooke Road by way of intended improvements to the extant access to make it 4.5m wide for its first 10m from the highway. The proposed layout shows 8 parking spaces in front of the proposed dwellings and a gap to assist with manoeuvring within the parking area. Each dwelling will have a rear garden measuring approximately 11m by 6.5m. The width of each of the two semi-detached blocks would be 9.9m, the depth of each property would be 10.2m and the maximum height would be 9.1m to the ridge.

Any Constraints Affecting the Site

C Road

4.0 Consultation and Customer Impact

Parish/Town Council

Desborough Town Council noted that the application should be in keeping with the rest of the street.

Following revised plans illustrating the amended parking layouts, and provision of bins and bikes, Desborough Town Council objected to the continued backland development in the area.

Highway Authority

Objection on the grounds of what is considered insufficient information to confirm vehicle tracking and parking sizes. There is concern with respect to pedestrian visibility splays being outside of the applicant's ownership. The driveway would serve too many dwellings (6 dwellings) when considering the Local Highway Authority's policy that a maximum of 5no. dwellings should be served from a private drive. Also, there are no visitor parking spaces shown.

Environmental Health

No objection subject to conditions on working hours and contaminated land and informatives on radon and acoustic separation.

The bins will need to be brought to a collection point on Braybrooke Road. The access way for use of the bins should be a hard level surface and not gravel.

Neighbours

As a result of the original consultation, there were **Objections** received from 3 nearby properties that can be summarised as follows:

- Concern there will be overlooking, overshadowing and loss of sun light to back gardens of neighbouring properties
- Increase in noise
- Increase in traffic congestion and pollution
- Lack of parking provision
- Access route is too narrow
- Lack of space for bin provision
- Potential underground stream
- Lack of facilities and infrastructure within Desborough for additional dwellings

Following revised plans illustrating the amended parking layouts, and provision of bins and bikes, there were **Objections** received from 5 nearby properties (2no. of which were original objectors) also concerning the following:

- The four dwellings would be out of character with the surrounding homes of older character
- Concerns on highway safety with vehicles turning in and out of the area
- Too many houses serving the access way already

5.0 Planning Policy

National Planning Policy Framework

Policy 4. Promoting sustainable transport

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 8 – North Northamptonshire Place Shaping Principles

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

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design, Character and Appearance
3. Residential Amenity
4. Parking, Highway Safety and Access
5. Contaminated Land
6. Ecology
7. Drainage

1. Principle of Development

The site comprises former garden land associated with No's. 67, 69 and 71 Braybrooke Road. The site lies within the defined town boundary of Desborough, as defined within the JCS, where the principle of residential development is acceptable, provided that it accords with all other relevant planning policies and in this particular case the character of the development, the impact on the amenity of neighbouring residents and the effect it will have upon the local highway network.

It should also be noted that a near identical scheme (in outline form) for 4no. dwellings on the site was approved in outline form as recently as December 2013. Whilst this consent has now expired, it should be noted that it was issued post-publication of the NPPF and holds weight as a relevant material consideration.

2. Design, Character and Appearance

Policy 8(d) (i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The location of the proposal means that it would be hidden behind the main properties on Braybrooke Road and therefore it would not have a noticeable impact upon the public realm, particularly given that the access road from Braybrooke Road is a private drive.

The surrounding properties are a combination of two storey detached, semi-detached and terraced dwellings. There are a range of designs and finishes to the surrounding dwellings within the locality. The proposed design of the pair of semi-detached properties would be two storey and would be in keeping with one another in an area of no particular character or architectural period.

There are also already numerous examples of backland development in the immediate area. The proposed scheme would not therefore set an unfortunate precedent in this context.

The appearance of the proposal would not detract from the character of the immediate area. The proposed development would comply with Policy 8 (d) of the JCS.

3. Residential Amenity

Along with seeking development to respect the character of an area, Policy 8 (e) (i) of the JCS seeks development to prevent harm to residential amenities of neighbouring properties, by reason of overbearing, loss of light or overlooking.

The proposal would sit in between several existing dwellings set to the rear off previous garden land from properties fronting Braybrooke Road. To the north of the site are No's 67, 69, 71 and 73a Braybrooke Road. Although there would be some increase in comings and goings to the area there is no objection from the Environmental Health Officer in respect to noise.

No.67 would have an approximate separation distance from the proposed dwellings of 15m and it would be the rear garden that would be nearest to this neighbouring property so therefore there would be no undue adverse impact to this neighbouring property.

The rear garden of No.73a would have an approximate separation distance from the proposed dwellings of 15m and it would be the parking area that would be nearest to this neighbouring property so therefore there would be no undue adverse impact to this neighbouring property.

No.69 would have an approximate separation distance from the dwellings of 14m. The elevation facing this property would have a narrow ground floor and narrow first floor side-facing obscure-glazed windows that would prevent it from being a blank flank wall and add interest when viewed from the neighbouring properties. Given the adequate high fenced boundary treatment, separation distance and first floor side window facing this site would be obscure glazed under condition then there would be no undue adverse impact on overbearing, overshadowing, loss of light or loss of privacy to warrant a reason for refusal.

No.71 would have an approximate separation distance from the dwellings of 7.5m at

its nearest point which is a narrow rear extension. The elevation facing this property would have a narrow ground floor and narrow first floor side-facing obscure-glazed windows that would prevent it from being a blank flank wall and add interest when viewed from the neighbouring properties. Given the adequate high fenced boundary treatment and the fact that the newly proposed dwellings' position would be offset from the rear boundary of No. 71, there would be no undue adverse impact on overbearing, overshadowing, loss of light or loss of privacy to warrant a reason for refusal.

To the south is the derelict dwelling (No.73), although it is noted that this house could be brought back into use in the future. The nearest proposed dwelling would be 22m from the dwelling at No.73. Given the separation distance then there would be no adverse loss of light or privacy and no adverse overbearing impact upon No.73.

In respect of the future occupants, the proposed scheme would provide modest rear garden spaces and adequate space in the rear garden for amenity area as well as for the provision of bins and bikes within the site. There is a condition proposed with respect to refuse to ensure there would be appropriate management of the bins.

In accordance with Policy 30 of the JCS, each of the proposed dwellings would comply with the National Space Standards; i.e. a minimum of 84 sq. m. of gross internal floorspace for each of the proposed two-storey, three-bed properties would be provided.

It is therefore considered that the proposed development complies to provide adequate amenity space and bins and bike storage within the site for the future occupants and would not have an adverse harmful impact to neighbouring properties. The proposed development would be in accordance with Policy 8(e) (i) of the North Northamptonshire Joint Core Strategy.

4. Parking, Highway Safety and Access

Policy 8 (b) of the JCS, requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and states that developments must not have an adverse impact on the highway network or prejudice highway safety.

A similar application for 4 dwellings off the proposed access (with improvements proposed to be made to widen it) was permitted under application reference KET/2013/0506 so the principle of access for this number of dwellings had previously been considered to be acceptable.

The application site is accessed by an existing unused private access from Braybrooke Road that is 3.5-3.7m wide. During the application process, the access width was agreed to be widened nearest to No.71 Braybrooke Road to give adequate access for the proposed development and allows space for vehicles to pass one another. The application submission includes a proposed parking plan to illustrate the width of the access as well as to demonstrate adequate turning space within the parking area. Although there are no visitor parking spaces proposed it is considered that the loss of a single visitor parking space to make way for a turning

area was more relevant and important in respect of ensuring highway safety. The applicant has also provided a plan detailing how vehicles would manoeuvre in and out of the proposed spaces.

Visibility splays at the access point, as detailed upon the submitted Site Plan, would be located on land outside of the applicant's control. It cannot therefore be conditioned that visibility splays be provided to either side of the intended access and retained at all times. It is not however considered that highway safety would be prejudiced. A brick wall of moderate height (approximately 1.2m) is located to the west of the access whilst there would be open visibility to the east where the applicant and owners of No.71 have informally agreed to keep the driveway of No.71 clear to ensure there remains a visibility splay for the proposed development. Given that a wide footpath is in place alongside Braybrooke Road and that similar arrangements were previously agreed with respect to KET/2013/0506, it is considered that the proposed arrangements are acceptable.

The proposed development would be for 4no. 3-bed properties so there would not be excessive pressure on facilities and infrastructure within Desborough or significant increase in traffic congestion to the locality.

There is adequate provision for cycle storage facilities within the site, i.e. within the private rear garden areas of the proposed properties.

It is noted that the Local Highway Authority has referred to the access serving more than five dwellings. It may well be the case that No.71 (positioned adjacent to the eastern side of the access) would continue to benefit from a right of way along the access, but its parking is located off Braybrooke Road to the front of the site. The proposals would therefore effectively result in a maximum of 5no. dwellings using the private drive (i.e. the 4no. proposed dwellings in addition to the currently derelict No. 73 to the rear). In any event, it is not considered that the proposals would not prejudice highway safety in this context; it would be reasonable to expect that limited comings and goings along the access road would result.

The parking and access to the proposed dwellings are considered to be adequate and thus complies with the aims and objectives of NPPF and JCS Policy 8 (b) (ii).

5. Contaminated Land

The Council's Environmental Health Officer has recommended a condition be added to ensure that the site is investigated / remediated with respect to potential contamination. This element is conditioned in accordance with Policy 8 of the JCS.

6. Ecology

As confirmed in the submitted Ecological Walkover Survey Report, there are no particular ecological constraints associated with the site that require any further survey work. Site clearance work would be undertaken outside of the bird-breeding season in accordance with relevant wildlife legislation. A condition should be added to ensure the provision of bird boxes, in accordance with the findings of the Survey Report and to ensure compliance with Policy 4 of the JCS, which seeks to enhance ecological networks.

7. Drainage

There are no particular known drainage or flood risk constraints associated with the site.

Conclusion

In light of the amended plans, the proposal is considered to satisfy national and local planning policy. It is appropriately designed and will not impact on the neighbouring properties. As such it is recommended that planning permission should be granted subject to the recommended conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Natalie Westgate, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: