

BOROUGH OF KETTERING

Committee	Full Planning Committee - 05/06/2018	Item No: 5.11
Report Originator	Louisa Johnson Development Officer	Application No: KET/2018/0286
Wards Affected	Ise Lodge	
Location	84 Warkton Lane, Kettering	
Proposal	Full Application: Replacement dwelling	
Applicant	Mrs A Shukla	

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 above slab level 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: In the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. 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 first floor north and south elevations or roof planes of the building.

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.

5. 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.

6. Prior to the commencement of development including demolition, a Demolition and Construction Management Plan which shall include details of measures to minimise dust from the works 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 demolition and construction works.

REASON: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

7. The parking area hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure adequate on-site parking provision for the approved building and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No other development shall commence until visibility splays of 2 metres by 2 metres have been provided at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

REASON: In the interests of highway safety 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. The dwelling hereby permitted shall not be occupied until details of hard and soft landscaping to the front of building has been submitted and approved in writing by the Local Planning Authority. The approved landscaping shall be maintained as approved thereafter.

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

11. 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: 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.

Officers Report for KET/2018/0286

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

3.0 Information

Relevant Planning History

KET/2017/0981 – Replacement Dwelling – Withdrawn 26/02/2018

Site Visit

Officer's site inspection was carried out on 8th May 2018.

Site Description

The site is a double plot located on Warkton Lane, the site currently contains a large two storey detached dwelling with associated outbuildings.

Warkton Lane is characterised by large detached properties varying in style and set back from the road.

Proposed Development

The proposal is to demolish the existing dwelling and erect a new two storey detached dwelling.

Any Constraints Affecting the Site

C Road

4.0 Consultation and Customer Impact

Neighbours

One letter of objection has been received, the following issues were raised:

- The proposed dwelling is adjacent to 80 Warkton Lane, while the existing dwelling is set on the other side of the site. The proximity to the boundary and the presence of a patio area near the fence would result in an increase in noise and disturbance.
- The development would result in boundary trees being cut back or cut down which would result in a subsidence or heave risk to 80 Warkton Lane.
- The proposed dwelling would result in overlooking of the rear garden of 80 Warkton Lane resulting in a loss of privacy.
- Construction of the new dwelling would result in noise, disturbance and dust which would be detrimental to the health of neighbours.
- The proposed dwelling is a significant increase in the size and is not in keeping with the character of the area, the dwelling would dwarf 80 Warkton Lane.

5.0 Planning Policy

National Planning Policy Framework

Policy 7: Requiring Good Design

Development Plan Policies

North Northamptonshire Joint Core Strategy July 2016

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 22: Delivering Economic Prosperity

Policy 28: Housing Requirements

Policy 29: Distribution of New Homes

Policy 30: Housing Mix and Tenure

Saved Local Plan Policies

Policy 35: Housing – Within Towns

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on the character and appearance of the area
3. Amenity of future occupiers
4. Residential amenity
5. Access and Parking

1. Principle of Development

The National Planning Policy Framework sets out the principles for sustainable development which seek to ensure that places to live are created in locations which make the best and most efficient use of land, adopt high quality design standards respecting and enhancing the character of their surroundings, not result in unacceptable impact on the amenities of neighbouring properties or the wider area and not adversely impact on highway safety or the highway network.

Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Paragraphs 56, 58 and 64 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development, and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

Saved policy 35 of the Local Plan states that 'Planning permission will normally be granted for proposals for residential development within the towns, defined by the Town Inset boundaries shown on the Proposals Map, where the proposal is compatible with other policies and proposals in this Plan.' The site is located within the Burton Latimer boundary.

Policy 8 of the NNJC seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area.

Policy 29 of the NNJCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'

Policy 30 of the NNJCS states that 'the mix of house types within a development should reflect: The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people.'

The site is located within the boundary of Kettering, in an established residential area where generally the principle of residential development is considered acceptable in accordance with the relevant policies of the NNJCS.

2. Impact on the character and appearance of the area

The site is located on Warkton Lane, in a predominately residential area in Kettering which is characterised by large detached properties set back from the road with a variety of styles.

The existing dwelling on the plot measures approximately 17.6m wide, 18m deep and 7.1m in height with a pitched roof.

The proposed dwelling would measure approximately 23.6m wide, 23m deep and 11.5m in height with a pitched roof.

The existing dwelling is located right on the northern boundary of the site, while the proposed dwelling is more centralised on the plot. The proposed dwelling would be set back approximately 15m from the road and is in line with the existing building line.

An objection has been raised on the grounds that the proposed dwelling is a significant increase in size when compared to the original dwelling and so would dwarf neighbouring properties and is not in keeping with the character of the area.

Whilst it is acknowledged that the proposed dwelling is substantially larger than the existing dwelling on the plot, it is considered that the plot is large enough to accommodate a dwelling of this size. Furthermore, there is a variety of sizes of dwellings on Warkton Lane with a number of large properties on this part of the road.

Therefore it is considered that the proposed dwelling would be in keeping with the pattern of development and would not be detrimental to the character of the area in accordance with the relevant parts of Policy 7 (NPPF) and Policy 8 (NNJCS).

3. Amenity of future occupiers

Policy 8 e(i) of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

The proposed dwelling provides a total floorspace of approximately 756sqm with six bedrooms, all of which meet the standard for a double room; therefore the proposed dwelling complies with the requirements of the Technical Housing Standards – nationally described space standards, March 2015.

The proposal would provide an amenity space of at least 914sqm; this is larger than the footprint of the proposed dwelling. Therefore it is considered that it would be sufficient for a house of this size.

The proposal would be acceptable in terms of the amenity of future occupiers and in accordance with policy 8 e(i) of the NNJCS.

4. Residential amenity

Policy 8 of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

The site shares a side boundary with 80 Warkton Lane to the south; the proposed dwelling would be approximately 6.5m from the boundary with no. 80. The proposal also includes a patio area to the side adjacent to no. 80 which would be approximately 2.5m from the boundary.

An objection has been received on the grounds that the proposal would be overbearing to no. 80, would result in increased noise and disturbance and would overlook the rear garden of this property.

The objection also raises concerns about health impacts from dust during construction and the potential removal of the trees on the boundary causing subsidence to no. 80.

The proposed two storey dwelling would be approximately 6.5m from the boundary with no. 80 and whilst it is a large property it is considered that this distance is sufficient to prevent the proposal being overbearing given its height. The objection raises concerns about overlooking from the proposed dwelling, however the first floor of the side elevation facing no. 80 would not contain any windows and a condition could be attached to the permission preventing the insertion of windows in this elevation. Whilst it is acknowledged that windows in the rear elevation of the proposal dwelling would overlook parts of the rear garden of no. 80, given the depth of the proposed dwelling they would not look over the parts of the garden closest to the house at no. 80. In addition, it is considered that this relationship is a normal side to side relationship and is not any worse than the relationship between no. 80 and 78 Warkton Lane (the property on the other side of no. 80) or that found elsewhere within established residential areas.

The proposal includes a patio utility area adjacent to the side boundary with no. 80, the applicant has stated that this area is intended for the storage of bins. Whilst it is acknowledged that this area may be used for sitting out and parties, it is considered that residential properties often have patio or sitting out areas close to the boundary and these types of activities are considered to be normal activities for a residential property.

The objection also raises concerns regarding the removal of the boundary trees between the site and no. 80. These trees are not subject to a TPO and they are not in a Conservation Area, as such the applicant does not require permission to carry out works to these trees and it is not considered that it would be appropriate to require the applicant to retain the trees.

Concerns have also been raised regarding noise, disturbance and dust from construction. It is considered that given the size of the development it would be appropriate to attach conditions securing working hours and requiring measures to

be taken to minimise dust from the site. These conditions should help to minimise the disturbance from construction, however disturbance from construction is not a reason in of itself to refuse planning permission.

Therefore it is considered that the proposal would not have an unduly detrimental impact on 80 Warkton Lane, subject to conditions regarding windows in the side elevations, hours of working and dust control being attached to the permission.

The site shares a side boundary with 86 Warkton Lane, the proposed dwelling would be approximately 7.4m from the boundary with no. 86. There would only be small block windows for light in the first floor side elevation facing no. 86 and subject to a condition preventing the insertion of windows at first floor level in this elevation; it is considered that the proposal would improve the relationship with no. 86. Therefore it is considered that the proposal would not have an unduly detrimental impact on 86 Warkton Lane.

The site backs onto 37, 39 and 41 Ridgeway; however the proposed dwelling would be at least 16m away from the boundary with these properties. Therefore it is considered that the proposal would not have a detrimental impact on 37, 39 and 41 Ridgeway.

Therefore it is considered that there will be no unacceptable impact on the amenity of neighbouring residents through this proposal subject to conditions preventing the insertion of windows in the first floor side elevations, controlling hours of working during construction and measures to minimise dust in accordance with policy 8 of the NNJCS.

5. Access and Parking

The access for the site will remain in the same location as existing and the site would provide parking for in excess of 6 cars. Therefore it is considered that the proposal meets the relevant Highways requirements, subject to appropriate conditions securing the pedestrian visibility splays and parking area. The proposal is acceptable in terms of the access and parking in accordance with policy 8 of the NNJCS.

Comments on other points raised by proposal
None

Conclusion

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area, residential amenity and parking. Subject to conditions the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: