

BOROUGH OF KETTERING

Committee	Full Planning Committee - 31/07/2018	Item No: 5.4
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2018/0294
Wards Affected	Barton	
Location	159 Barton Road (land to south of), Barton Seagrave	
Proposal	Full Application: 2 no. dwellings	
Applicant	Mr P Garcha	

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. Prior to first occupation of the dwellings hereby approved the proposed vehicular access, parking and turning facilities shown on the approved plans shall be provided and shall thereafter be set aside and retained for those purposes.

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

4. No development above floor 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.

5. Any part of the window at first floor level on the western side elevation of Plot 2 that is within 1.7m of the floor of the room where the window is installed shall be obscure glazed and non-openable and shall thereafter 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.

6. 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 eastern and western side elevations at first floor or roof planes of Plots 1 and 2.

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.

7. 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.

8. Prior to first occupation of the development a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The works approved 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 in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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 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 Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Works audible at the site boundary will not exceed the following times: Monday to Friday 08.00 to 18.00 hours, 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 interest of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 12 of the National Planning Policy Framework.

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 5 of the North Northamptonshire Joint Core Strategy 2016.

Officers Report for KET/2018/0294

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

3.0 Information

Relevant Planning History

KET/2014/0762 Full Application 2 no. detached dwellings. Approved 12 March 2015.

KET/2017/0917 Full Application 2 no. detached dwellings. Withdrawn.

Site Visit

Officer's site inspection was carried out on 29th May 2018.

Site Description

The application site is located to the east of Nos. 1 and 3 Cranford Road and to the south east of No. 159 Barton Road. The site comprises paddock land which is within the ownership of No. 159 Barton Road. The paddock has been subdivided to form the application site with the land to the north of the site remaining in use as a paddock. Nos. 1 and 3 Cranford Road previously formed part of this paddock with this development granted outline consent in 2002 and approval of reserved matters in 2004. The site is located within the town boundary of Kettering, although it is at the edge of the built up framework. Access to the site will be gained via an extension to the existing access serving Nos. 1 and 3 Cranford Road and No. 159 Barton Road. This access is located approximately 45 metres from the junction of Barton Road and Cranford Road.

The application site is bounded to the east and south by open countryside although this parcel of land forms part of the East Kettering Sustainable Urban Extension (SUE) and has been granted outline consent for residential development. Boundary treatment to the east consists of post and wire fencing and there are distant views towards the Hayfield Cross Primary School. To the west, the rear elevation of No. 1 Cranford faces onto the application site with a separation distance of approximately 13.5 metres between this rear elevation and the boundary with the application site. Boundary treatment consists of post and rail fencing and low level hedging. There are a number of trees along the southern boundary of the application site, although two appear to be within the perimeter of No. 1 Cranford Road.

Proposed Development

The proposal involves the erection of 2 no. two storey detached dwellings on land to the east of Cranford Road. The application is a resubmission of the details approved through KET/2014/0762.

Any Constraints Affecting the Site

C Road

4.0 Consultation and Customer Impact

Barton Seagrave Parish Council

Objection. This will be adding 100% or more movement of vehicles at this very close narrow access road to the Cranford Rd/ Barton Rd junction increasing the danger of an accident. Also this will impact on the redesign of this light controlled area for the worse and will impede traffic flow and safety.

Neighbours

No comments received.

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17 – Core Planning Principles

Policy 6 – Delivering a Wide Choice of Quality Homes

Policy 7 – Requiring Good Design

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 3 – Landscape Character

Policy 4 – Biodiversity and Geodiversity;

Policy 8 – North Northamptonshire Place Shaping Principles;

Policy 9 – Sustainable Buildings;

Policy 11 – The Network of Urban and Rural Areas;

Policy 15 – Well-connected Towns, Villages and Neighbourhoods;

Policy 28 – Housing Requirements;

Policy 30 – Housing Mix and Tenure.

Saved Policies in the Local Plan for Kettering Borough

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. Design and Impact on Character
3. Impact on Neighbouring Amenity
4. Parking and Highway Safety
5. Contaminated Land
6. Archaeology

1. Principle of Development

The application site is located within the town boundary of Kettering as defined by Policy 35 of the Local Plan. The principle of residential development has been previously established through the permission granted by KET/2014/0762 which has subsequently lapsed. Since that decision was made there has been no change in policy or material considerations which alter the acceptability of residential development of this site.

2. Design and Impact on Character

The dwellings themselves remain unaltered from the previous consent providing 2 no. two storey detached dwellings on land to the east of Nos. 1 and 3 Cranford Road.

The design of the two dwellings is consistent with the design of the existing properties at Nos. 1 and 3 Cranford Road. The design of Plot 2 was amended from a hipped roof design to a gable roof during the previous application, which is more in keeping with the dwelling proposed at Plot 1 and with Nos. 1 and 3 Cranford Road. A condition will be applied requiring materials to be submitted to and approved in writing prior to the commencement of development. Subject to this it is considered that the proposal complies with Policy 7 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy (JCS).

3. Impact on Neighbouring Amenity

Paragraph 17 of the NPPF and policy 8 of the JCS require development to provide a good standard of amenity for all existing and future occupiers of land and buildings.

The proposal involves the erection of 2 no. two storey detached properties on land to the east of Nos. 1 and 3 Cranford Road. The new dwellings are of sufficient size to meet the national space standard requirements as required by policy 30 of the JCS. Access to the site will be provided via an extension to the existing access drive serving Nos. 1 and 3 Cranford Road and No. 159 Barton Road. The properties will be orientated so that they front the paddock to the north, with south facing rear gardens. From the west, the rear elevation of No. 1 Cranford Road faces the application site with a separation distance of approximately 13.5 metres between this elevation and the boundary with the application site. Plot 1 is located 10 metres from the boundary with No. 1 Cranford Road and separated by the proposed driveway and garage. As a result views of the private amenity space of Plot 1 are largely obscured by the detached garage and are at a distance of approximately 23 metres maintaining an appropriate level of amenity for all.

No windows are proposed in the western side elevation of Plot 1 facing No. 1 Cranford Road, while in the eastern side elevation facing Plot 2 only a kitchen door is proposed. Equally a kitchen door is proposed in the western side elevation of Plot 2 facing Plot 1 and although a window is proposed at first floor level in this elevation it will serve a bathroom and will be glazed with obscure glass so that there will be no impact on the amenity of the future occupiers of Plot 1 in terms of overlooking. A condition will be added to the permission

requiring this window to be obscure glazed and fixed shut to a height of 1.7 metres above floor level and to be permanently retained in that form.

The dwelling at Plot 2 will be 'L' shaped and it will be positioned between 3 and 16 metres from the eastern boundary. Patio doors and a first floor bedroom window are proposed in the eastern elevation of Plot 2 but this elevation is 16 metres from the boundary, no windows are proposed in the elevation closest to the boundary. Although outline permission has been granted for residential development to the east of the site as part of the Hanwood Park SUE reserved matters have not been approved for this parcel at this stage. The proposal is unlikely to impact on future development on this parcel. A condition will be applied to the permission removing permitted development rights for the insertion of future openings at first floor level in the eastern and western side elevations of both dwellings.

As outlined above the dwelling at Plot 1 will be positioned approximately 10 metres from the boundary with No. 1 Cranford Road. The first floor bedroom windows will provide only very oblique views of the rear amenity space of No. 1 Cranford Road which will not result in a detrimental impact on these occupiers. The land to the south of the application site forms part of the Hanwood Park SUE although reserved matters are yet to be approved for this parcel of residential development. The rear gardens of the proposed dwellings will have a depth of between 22 and 25 metres and as such the proposal is unlikely to impact on future development on this parcel.

Boundary treatment to the rear of No. 1 Cranford Road, adjoining the application site consists of post and rail fencing along with low level hedging. It is proposed to provide further planting along this boundary within the application site which is considered sufficient to protect the amenity of the occupiers of both properties. Existing boundary treatment to the east and south of the site consists of post and wire fencing. This will be retained as will the hedgerow and existing tree on the southern boundary which will form the rear boundary of Plot 1. No details of the boundary treatment between Plots 1 and 2 have been provided at this stage but this can be secured by condition.

Given the orientation of the dwellings in relation to the path of the sun and the separation distance between the dwellings and neighbouring properties the proposal will not impact on neighbouring amenity in terms of loss of light or overshadowing.

In terms of controlling noise generated by the development Environmental Health has previously recommended that a condition be applied restricting works audible at the site boundary to 08.00 – 18.00 on Mondays to Fridays, 08.30 – 13.30 on Saturdays and at no time whatsoever on Sundays or Bank Holidays. This is considered appropriate to protect neighbouring amenity in terms of noise disturbance. Subject to the above conditions it is considered that the proposal complies with Policy 8 of the JCS.

4. Parking and Highway Safety

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 do not prejudice highway safety.

As outlined above access to the site will be gained via an extension to the existing driveway shared by Nos. 1 and 3 Cranford Road and Nos. 159 Barton Road. The drive will run to the north of No. 1 Cranford Road with a separate driveway and double detached garage provided within each plot. The detached garages have a depth of 6 metres and a width of 5.5 metres, sufficient size for the parking of two cars. There is also sufficient space in front of the garages for the parking of two additional vehicles with a turning area also provided within each plot. This is considered to be ample parking provision for dwellings of this size.

The existing access is 4.5 metres wide not only for the first 10 metres from the highway boundary but throughout the site. The extension to the access will also be 4.5 metres wide which enables two opposing vehicles to pass each other comfortably.

An objection has been received from Barton Seagrave Parish Council due to the increase of vehicles movements using the shared private access and its impact on traffic flow and highway safety on Cranford Road. The access is located approximately 45m from the Barton Road and Cranford Road junction, identified as junction g for highways improvements associated with the Hanwood Park development. The agreed improvement works to this junction have minimal impact on the private access, having been designed to facilitate safe entry and egress to the private drive consistent with the current scenario. An increase in vehicle movements will be generated by this proposal. However, given the levels of surrounding future development and the proposed continuation of the signalised junction, which helps to reduce speeds in this location, the development will not result in significant impediment to highway safety and traffic flows that would warrant a reason for refusal of the scheme.

As such the access is appropriate in terms of width and visibility splays subject to a condition requiring the vehicular access, parking and turning facilities to be provided prior to the occupation of the dwellings.

5. Contaminated Land

An investigation is required to assess and quantify any risks to human health associated with any previous potentially contaminative use of the site and/or underlying geology present throughout Northamptonshire. It is recommended that the standard full contaminated land condition is applied.

6. Archaeology

There is the potential for remains of archaeological interest to survive on the site. Although the proposed development may have a detrimental impact upon archaeological deposits present this does not represent an over-riding constraint on the development provided that adequate provision is made for

the investigation and recording of any remains that are affected. It is, therefore, recommended that a condition for an archaeological programme of works is applied to the permission. Subject to this the proposal complies with Paragraph 141, Policy 12 of the NPPF which states developers should record and advance understanding of the significance of any heritage assets to be lost , wholly or in part, in a manner appropriate to their importance.

Conclusion

The proposal is in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted.

Background Papers

Title of Document:

Date:

Contact Officer:

Richard Marlow, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: