

BOROUGH OF KETTERING

Committee	Full Planning Committee - 31/07/2018	Item No: 5.10
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2018/0431
Wards Affected	All Saints	
Location	36 Masefield Road (land adj), Kettering	
Proposal	Full Application: Detached two storey dwelling	
Applicant	Tom Graham Homes 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. The windows at first floor level on both side elevations shall be glazed with obscured glass in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be permanently retained in that form.

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.

5. 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 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.

6. 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 preserve the character of the area and to protect the amenity of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to the first occupation of the dwelling the refuse storage shall be implemented in accordance with approved plans: Drawing No.18/TGH/MR/01B and shall be made available for use. These refuse storage 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 in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to first occupation of the dwelling 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.

9. Prior to the first occupation of the dwelling full details of the materials to be used for the paved surfacing to the front forecourt illustrated within Drawing No.18/TGH/MR/01B shall be submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

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

10. Prior to first occupation of the dwelling, the vehicular parking spaces shall each be laid out as indicated upon the approved Drawing No.18/TGH/MR/01B 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 in the interests of local amenity and highway safety and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Prior to first use or occupation of the development hereby permitted, the means of access shall be of a minimum width of 3.0m (3.3m where solid boundaries exist and/or it is also the sole means of pedestrian access to the dwelling) and shall be paved with a hard bound surface for the first 5m from the highway boundary and such surfacing shall thereafter be retained. The maximum gradient over the 5m distance shall not exceed 1 in 15.

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

12. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.0m by 2.0m shall be provided on each side of the vehicular access, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.6m in height above the access/footway level.

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

13. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary. Any such feature erected beyond that distance shall be hung to open inwards away from the highway.

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

14. Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from the vehicular access does not discharge onto the highway and/or Right of Way shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be installed and operational prior to first use and thereafter maintained at all times.

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

15. 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.

16. 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.

17. 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.

18. No development shall take place until a programme of archaeological work, in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: These details are required prior to the commencement of development, to ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 12, Paragraph 141 of the NPPF.

Officers Report for KET/2018/0431

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

3.0 Information

Relevant Planning History

KET/2018/0283: 1 no. dwelling. Withdrawn

KET/2017/0907: Outline Application - Detached two storey dwelling. Approved 4.1.2018

KET/2007/0309: Outline Application - Single house, two storey. Approved

Site Visit

Officer's site inspection was carried out on 22/06/2018.

Site Description

The application site is located on the north-western side of Masefield Road within a residential area within the north of Kettering. The application site is currently vacant land consisting of overgrown vegetation as well as some large shrubs/or small trees towards the rear. The site is set between two detached dwellings. To the front boundary is a 1.8m close-boarded fence, with some vegetation overhanging the fence.

To the south of the site is No.36 Masefield Road, a two-storey detached dwelling built of a dark red brick with white upvc windows and doors. There is an existing double garage located to the southern side of this property. To the front (western) boundary is a wall with two open gapped accesses in the application site. There is a short wall and then a 1.8m close-boarded fencing to the side boundary facing the application site. There are several windows and doors in the side elevation of No.36 facing the application site. This property has a large rear plot.

To the north of the application site is No.40 Masefield Road, a two-storey detached dwelling with large attached double garage to its front and northern side elevations. This property is built of red brick with brown stained windows and doors. There are no windows or doors in the southern side elevation of No.40 facing the application site. To the front (western) boundary is a wall with gated pedestrian access and open vehicular access in the application site. There is 1.8m close-boarded fencing on the side boundary facing the application site.

There are ground level changes sloping down the street and there is ground level changes sloping up within the site.

Masefield Road is characterised by a variety of properties, built in different design styles and using a variance of materials. Plot widths and depths vary along Masefield Road.

Proposed Development

The application seeks planning permission to construct one two-storey dwelling on this site. The proposal is for the two elements for 10.5m from the front elevation, plus a single storey rear part for a further 3.6m back. The overall bulk is significantly reduced from the earlier proposal under ref KET/2018/0283. This is considered in the report below.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Environmental Health Officer

No objection, subject to conditions on limit working hours during construction and contaminated land and informative on radon.

Archaeological Officer

No objection, subject to condition for a programme of archaeological work.

Neighbours

There were two comments received from neighbouring properties.

The occupants at No.36 Masefield Road objects to the close proximity and loss of light.

The occupants at No.44 Hallwood Road seek the established trees at the rear of the site to remain for wildlife and to act as a continued buffer to prevent loss of privacy.

5.0 Planning Policy

National Planning Policy Framework (NPPF)

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS)

Policy 1: Presumption in favour of sustainable development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 28: Housing Requirements

Policy 29: Distribution of New Homes

Policy 30: Housing Mix and Tenure

Saved Local Plan Policy:

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, Character and Appearance
3. Residential Amenity
4. Highways Safety, Access and Parking
5. Contaminated Land
6. Archaeology
7. Other Matters

1. Principle of Development

The site comprises former garden land associated with No. 36 Masefield Road. The application seeks planning permission to construct one two-storey dwelling on this site.

The application site lies within the town boundary of Kettering and is sited close to Kettering town centre. The scheme would therefore strengthen the network of settlements within the borough in compliance with Policy 11 of the North Northamptonshire Joint Core Strategy.

Policy 6 of the National Planning Policy Framework (NPPF) encourages use of land within existing settlements where future occupants can benefit from established amenities and public transport.

Policy 29 of the Joint Core Strategy (JCS) states that the re-use of previously developed land is encouraged, however it should be noted that the NPPF classifies garden land as previously undeveloped/greenfield land.

The site is however, located within the settlement boundary of Rothwell and there is an outline planning permission for a two storey dwelling on the site. In principle, development of a suitable proposal is acceptable.

2. Design, Character and Appearance

Paragraph 14 of the NPPF places a presumption in favour of sustainable development at the heart of planning; good design forms a key element of this. Local Planning Authorities must seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

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

The application site is large plot located in between 2 two-storey dwellings on the north-western side of Masefield Road (No's.36 and 40 Masefield Road). The proposed dwelling would be visible within the streetscene.

The proposed dwelling would be set back from the neighbouring properties of No's 36 and 40 Masefield Road. The dwellings in this locality exhibit a variety of front building lines so therefore the set back of this proposed dwelling would be acceptable. The dwelling would utilise almost the full width of the plot. The neighbouring dwellings are set away from the common boundary and the proposed dwelling would be set 0.9m from the common boundaries to No's 36 and 40. Taking account of the separation of dwellings there would not be a terracing effect on the streetscene as a result of the proposal.

The proposed dwelling would be deeper at first floor level from No.40 by 3m at ground floor level and deeper by 5.3m at ground level. The proposed dwelling would be deeper from No.36 at first floor level by 1.3m and deeper by 7m at ground level. There would remain an adequate large garden to the rear of the property.

The proposed dwelling would be set at the same height as the neighbouring detached property, No.36 but it would be higher than the neighbouring property, No.40 but given the sloping up the street No.40 is on higher ground to the proposed dwelling so it would not appear unduly dominant within the streetscene.

The application follows a withdrawn application KET/2018/0283, in which this application has reduced the depth of the two-storey element nearest to the neighbouring property, No.36 Masefield Road. The alterations result in a revised design including a revised roof form. Previous concern about bulk has been addressed. Given the variety of house types within the streetscene then the proposed design would not appear out of character within the streetscene.

There would be large windows at ground and first floor levels which is typical of the character of this locality of Masefield Road. The proposed windows would be similar than the windows on the surrounding properties and appropriate in size for the proposed dwelling. The proposed materials would relate to the materials on the surrounding dwellings within the locality so would be appropriate, subject to samples of the external materials.

There would be some soft landscaping within the front garden alongside hardstanding for two vehicles linking from a new vehicular cross-over. The existing common boundary treatment will remain as existing surrounding all sides of the site. The front boundary treatment would be more open so would be an improvement to the existing high level fencing fronting the site. The proposed refuse store would be set within the rear garden so there would be no adverse harmful impact upon the appearance of the streetscene.

It is considered that the proposed dwelling and the materials are appropriate for the character of the streetscene. 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 garden land to the side of No.36 Masefield Road between two dwellings. To the east of the site is No. 36. To reiterate the application site is 0.9m from the common boundary to No.36. As No.36 is set off the common boundary then there would be a 3.5m separation distance between the dwellings.

The proposed dwelling would be deeper from No.36 at first floor level by 1.3m and deeper by 7m at ground level. Although the proposed dwelling is shown to be sited further back than this neighbouring property, taking account of the proportion of proposed 2 storey and single storey, separation with the existing dwelling, control over finished floor levels, the proposal would not give rise for sense of overbearing to the detriment of the occupiers at No.36.

There are windows and doors in the side elevation of No.36 facing the application site. However, these windows appear to be secondary windows with more than one window in each of the rooms or serving non-habitable rooms so there would not be an unacceptable loss of amenity as a result of the proposed dwelling. In addition, it is considered that the separation distance and orientation of the site would allow sufficient light into these windows. The proposed first floor side windows would serve secondary rooms and therefore would be conditioned to be obscure glazed windows.

The proposal would sit in land to the side of No.40 Masefield Road. To the west of the site is No. 40. The application site is 0.9m from the common boundary to No.40 and as No.40 is set off the common boundary then there would be a 2m separation distance between the dwellings.

There are no windows and doors in the side elevation of No.40 facing the application site so therefore there would be no direct overlooking or loss of privacy. The proposed first floor side windows would serve secondary rooms and therefore would be conditioned to be obscure glazed windows. The proposed dwelling would be deeper at first floor level from No.40 by 3m at ground floor level and deeper by 5.3m at ground level. In these ways privacy of neighbours is safeguarded. In other respects and for similar reasons to those explained in relation to No.36, it is considered that the proposals would not give rise for sense of overbearing to the detriment of the occupiers at No.40.

The proposal would be sited a good distance from properties on Hallwood Road and there are dense landscaped boundaries to these properties so therefore there would be adequate screening between the properties.

Given the closeness of the development to surrounding residential development within Masefield Road a condition is reasonable to limit working hours during construction.

There would be an adequate rear garden size for the enjoyment of the amenity of the future occupants. There would be adequate provision of bins within the rear garden and adequate gap of 0.9m along the side of the dwelling in order to move the bins out and in for collection on bin day.

It is therefore considered that the proposed development is in accordance with Policy 8(e) (i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon the amenities of neighbouring properties.

4. Highway Safety, Access and Parking

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.

The proposed development is for a four-bed property, and therefore the provision of 3 off-street parking spaces is considered acceptable and commensurate to the scale of development. The width of the garage at 2.5m is adequate for the use by a vehicle. It is also recognised that the site is well served by buses into the town centre.

With regards to highway safety, it is noted that the proposed access is to the right of the site so therefore there would be adequate visibility splays, despite the presence of the telegraph pole to the left of the site.

There is adequate space within the rear of the site for the provision of a bicycle storage.

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

5. Contaminated Land

Due to levels of naturally occurring arsenic and other contaminants found in Northamptonshire soils, it is considered necessary to impose a condition on the application that requires a desk-top study of the site and remediation works if necessary. This element is conditioned in accordance with Policy 8 of the JCS.

6. Archaeology

The site is situated on the edge of a known area of a Roman settlement within Kettering town centre. There is potential for remains of archaeological interest within the site. Therefore a condition is attached for a programme of archaeological works.

7. Other Matters

There is no indication on the plans that the trees directly outside the site would be felled. Within the site itself, the existing shrubs or modest trees, are not considered vital to retain for planning reasons, though suitable landscaping for the proposed dwelling would be conditioned.

Conclusion

Subject to conditions, 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: