

BOROUGH OF KETTERING

Committee	Full Planning Committee - 30/10/2018	Item No: 5.1
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2018/0255
Wards Affected	Slade	
Location	5 Church Street, Broughton	
Proposal	Full Application: 4 no. bungalows and renovation of existing bungalow	
Applicant	Mr D Patel	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

3. No development shall take place until a plan 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.

4. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be 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 scheme.

REASON: Details for the provision of surface and waste water drainage are necessary prior to commencement of development to prevent pollution of the water environment in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

5. No development shall take place on 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: The information is required prior to commencement to ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

6. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- i. Overall strategy for managing environmental impacts which arise during the demolition and construction;
- ii. Measures to control the emission of dust and dirt during demolition and construction;
- iii. Control of noise emanating from the site during the demolition and construction period;
- iv. Hours of construction work for the development
- v. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure within the site;
- vi. Designation, layout and design of construction access and egress points;
- vii. Details of measures to prevent mud and other such material migrating onto the highway from construction or demolition vehicles;

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

REASON: The information is required prior to commencement in the interests of highway safety and neighbouring amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

7. The development shall not progress above slab level until details of the types and colours of all external facing and roofing materials to be used (including those to the existing property) and details of the hard-surfacing materials 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 2 and 8 of the North Northamptonshire Joint Core Strategy.

8. No works shall proceed above slab level until full details of all windows, doors (including their surrounds), chimney, verge detailing and rainwater goods 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 are required prior to commencement in the interests of visual amenity in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

9. The development shall not proceed above slab level until a scheme for boundary treatment (including details of materials) has been submitted to and approved in writing by the Local Planning Authority. The dwelling to which the boundary treatment relates shall not be occupied until that element of the 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.

10. The development shall not be occupied until 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 in writing by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any 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 2 and 8 of the North Northamptonshire Joint Core Strategy.

11. Prior to the first occupation of the development hereby permitted, the new vehicular access shown on the approved 'Site Layout Plan' referenced 2137.05.D shall be provided and thereafter permanently retained. There shall be no obstruction to visibility within the area identified as 'visibility splays', there shall be no gates, barrier or means of enclosure erected within 5.5m of the access and a positive means of drainage shall be provided to prevent surface water draining onto the highway from the site in perpetuity.

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

12. The parking and turning spaces and the refuse collection and storage area shown on approved drawing 2137.05.D shall be provided prior to the first occupation of the bungalows hereby permitted and shall be permanently retained and kept available for those purposes.

REASON: To ensure adequate on-site parking provision and refuse collection arrangements for the approved buildings 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.

13. 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 in writing 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.

14. 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.

15. All new dwellinghouses shall be constructed to meet M4(2) Accessible and Adaptable Dwellings of schedule 1 part M of the Building Regulations 2010 (as amended).

REASON: In the interests of ensuring that the development caters for both the current and future needs of the population and in the interests of sustainable development in accordance with Policy 30 of the North Northamptonshire Joint Core Strategy.

16. 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-F of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining property and visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0255

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

3.0 Information

Relevant Planning History

None

Site Visit

Officer's site inspection was carried out on 23/04/2018

Site Description

The 0.20ha site consists of a modest pebble-dashed bungalow under a brown concrete roof and chimney and its large associated garden positioned on higher ground than Church Street to the front.

The surrounding area predominately consists of residential development including the relatively modern cul-de-sac development to the north at Church View and the Red Lion public house car park enclosing part of the site's western edge.

Pre-application

The application was subject to pre-application advice under reference PRE/2017/0131 for the erection of five bungalows and refurbishment of the existing bungalow. The case Officer was supportive of the site's development for housing provided that it respected the surrounding area and whilst a different approach was suggested the applicant was advised that in the event that the bungalow scheme came forward it should be reduced to four new dwellings.

In addition the applicant consulted Broughton Parish Council prior to submission as detailed in the accompanying 'Statement of Community Involvement' and whilst the Parish offered their view in a way that was not binding they were supportive of a proposal five dwellings (including the existing). Notably the Parish were unconcerned about the difference in levels provided that the proposal was in-keeping with the area rather than being too contemporary.

The proposal has been submitted broadly in accordance with this pre-application advice notably including reducing its density to 5 bungalows in total.

Proposed Development

The application seeks full planning permission for four bungalows and refurbishment of the existing bungalow including one bungalow adjacent to the existing fronting Church Street and the other three proposed bungalows (including a pair of semi's and a detached) to the rear. Vehicular access would be taken off Church View to the rear by creating a gap in an existing stone wall.

Any Constraints Affecting the Site

Within Conservation Area

4.0 Consultation and Customer Impact

Broughton Parish Council: *Support* the proposal 'on the basis that it provides much needed bungalow accommodation and effort has been taken to ensure the development will be in keeping with the surroundings and conservation area, and avoid undue impacts on local amenity'

KBC – Environmental Protection Officer (EPO): **No objection** subject to the imposition of conditions relating to unexpected contamination and restrictions to construction working hours.

NCC – Local Highway Authority (LHA): **No objection** stated provided that the proposal complies with the site plan measures and the imposition of conditions relating to access arrangement and retention of the sites car parking spaces for that purpose.

NCC – Archaeology: **No objection** subject to the imposition of a condition requiring approval of a written scheme of investigation prior to commencement

Natural England (NE): **No comments** stated

Neighbours: Seven third party letters of objection received from surrounding occupiers on the following summarised grounds:

- The access onto Church View together with the increased level of vehicular movements will pose a highway safety risk for existing residents
- St. Andrews Way is not designed to carry excessive amounts of vehicles which narrows at the junction with Church Street
- An access from Church Street is considered to be a safer option
- The proposal would overlook property at Eastgate, 7 Church Street and 8 Church View harmful to their residential amenity
- Overdevelopment
- Out of character with the existing bungalow on the site – instead the existing property should be knocked down and replaced by three stone bungalows
- Noise disturbance
- Some inaccuracies in the submitted Heritage Statement
- Added pressure placed on existing drainage infrastructure
- Devaluation of surrounding property
- Views of the Church would be lost from 8 Church View
- The village has seen enough new houses

5.0 Planning Policy

National Planning Policy Framework (NPPF)

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

1. Presumption in favour of sustainable development
2. Historic environment
6. Land affected by contamination
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

Saved Policies in the Local Plan (LP) for Kettering Borough:

RA3. Rural Area: Restricted Infill Villages

Broughton Neighbourhood Plan (NP):

1. Village boundary
2. Sustainability
3. Design

Broughton Conservation Area Appraisal

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety
5. Impact on flooding and drainage
6. Impact of possible ground contamination
7. Impact on biodiversity
8. Sustainable buildings
9. Impact on archaeology
10. Response to objectors

1. The principle of the development

As the site is located within the confines of a restricted infill village as defined by Local Plan policy 35 and policy 1 of the recently adopted Neighbourhood Plan (NP) the proposal is consistent with Joint Core Strategy (JCS) Policies 11 and 29 which seek to guide development to existing settlements in the interest of a sustainable

pattern of growth and protection of the rural area. The need identified as a consideration in Policy 1 and 2 of the NP for in-fill sites such as this has been met due to the need highlighted in the Parish Council response for bungalows within the village. As such the principle of the proposal is consistent with the Development Plan and therefore acceptable.

As the site predominately comprises garden land, however, it is not considered to be wholly previously developed land and therefore there is not that immediate encouragement for its development by the JCS or the NPPF.

To be successful the merits of the proposal should be acceptable in all other respects notably including its impact on residential and visual amenity and highway safety. These and any other relevant matters will be considered below in the context of Development Plan policies.

2. Impact on the character and appearance of the area

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to an areas local character and wider context.

In addition as the site is within a Conservation Area it also falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting.

Policy 2 of the JCS, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance heritage assets and their settings.

The site historically appears to have related to the adjacent Red Lion Public House although that link visually and functionally has been severed some time ago. The site provides openness to this part of the Conservation Area and whilst the existing bungalow does not have a traditional character, evident elsewhere in the street, it is an inoffensive feature in the streetscape.

The proposal has taken its design cue from the existing bungalow on site and from those in Church View to the north whilst also acknowledging the elevated position of the site by proposing single storey dwellings only.

The proposed Church Street frontage will respect existing site levels and proposes a modestly proportioned hipped-roof bungalow with a front projecting gable feature and chimney. This approach to scale and design is sympathetic to the existing bungalow particularly as it is proposed to clean the render off the host property and replace with a brick facia. In addition the set-back from the street proposed and open frontage is consistent with the existing arrangements. As such and as only one additional dwelling is being proposed to the Church Street frontage the proposal is considered to retain some degree of openness to the area and result in a polite addition to the streetscape that preserves the character and appearance of the conservation area.

Toward the rear of the site three bungalows are proposed arranged as a pair of semi-detached dwellings and a detached dwelling with the access road off Church View. This part of the development would be read in conjunction with the relatively modern dwellings in Church View, which notably includes bungalows adjacent to the site. The design and scale of the proposed bungalows and the density of the development has similarities to Church View and thereby would sit comfortably on the site and within its surrounding context. Whilst a section of stone wall will be removed to make way for the access such a prospect is not considered to be determinative. Materials and architectural detailing will be agreed by condition.

As such it is considered that the proposal constitutes a sensitive form of development that sits comfortably within the street scape and its surrounding context, subject to the imposition of the outlined conditions, and also preserves the significance of the conservation area. As such the proposal is considered to be acceptable in this regard.

3. Impact on residential amenity

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

Due to the siting, orientation, proximity and relationship of the proposed dwellings with surrounding properties and their windows, together with the low-profiled nature of the dwellings the development would not result in adverse impacts to surrounding dwellings by virtue of loss of privacy, light loss or loss of outlook.

In particular the rear elevation of the proposed dwellings on plots A-C would directly face the side boundary of the property at 8 Church View to the west which consists of a part brick and timber boundary to a height of approximately 1.8m. This boundary treatment and given that the windows in the facing elevation of 8 Church View appear to serve non-habitable rooms means that the proposal would not have an adverse impact to light or privacy experienced at 8 Church View. As a safeguarding measure the dwellings shall have their permitted development rights revoked with respect to roof extensions in the interests of privacy to surrounding dwellings. This would also protect residential amenity within the development. Finished floor levels shall also be required for approval in a condition. In addition due to the residential nature of the surrounding area a condition restricting hours of construction work shall be attached.

There is no reason to believe that the domestic activity associated with this residential development would lead to disturbance or otherwise give rise to such levels of noise that would cause an adverse impact to surrounding residential amenity.

The relationship of dwellings within the development is considered to ensure an appropriate level of residential amenity for future occupiers and includes gardens of sufficient width with a minimum depth of 7m. The internal spaces of the dwellings comply with National Space Standards as required by Policy 30(b) of the JCS.

Thereby the proposal is considered to secure a good quality of life for existing and future occupiers consistent with Policy 8 (e) of the JCS and therefore is acceptable in this regard.

4. Impact on highway safety

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

The application proposes at least two off-road parking spaces per dwelling and visitor parking with parking also available on the shared drives within the development. As such and given that Church Street appears to operate with no significant parking issues this provision is considered to be sufficient to ensure that the proposal would not prejudice the surrounding highway network.

The proposal has been shown to be able to achieve the access visibility splays and turning area required in Highway Standards together with the provision of a refuse storage space close to the highway access. It is acknowledged that Church View and St. Andrews Way would see an increase in traffic movements; however there is no indication to suggest that such an increase would harm highway safety. The narrowness of St. Andrews Way and the arrangements for the existing and retained garage on to Church Street are existing situations with no worsening of these arrangements by this proposal.

A third party objector raised the potential for access to the site to be taken off Church Street instead. This was explored and discounted for technical reasons due to differing site levels, precluding width of the access and ability to achieve necessary visibility splays. Such a prospect may also have led to loss of part of the front stone wall and adverse impacts to a neighbour at 7 Church Street. This option was therefore discounted for valid reasons and the proposal assessed as submitted and considered above.

As such and in the absence of an objection from the Local Highway Authority or any other persuasive evidence that would support coming to a different conclusion the proposal is considered to maintain highway safety, subject to conditions, and therefore is acceptable in this regard.

5. Impact on flooding and drainage

Policy 5 of the JCS says development should contribute toward reducing the risk of flooding and protection of the water environment.

The site is located within a low-risk flood area (flood zone 1), is significantly under the size threshold where a Flood Risk Assessment would be required and there is no reason to believe that the site or the area is prone to localised flooding. As such subject to the provision of sustainable drainage techniques, with the use of soak-a-ways, with details required by condition the proposal would not have an adverse impact to flooding or drainage. In addition there is no reason to believe that the existing foul drainage capacity could not cope with the additional connectors proposed. As such the proposal is considered to be acceptable in this respect.

6. Impact of possible ground contamination

Policy 6 of the JCS seeks development to be safe in this respect.

The Council's Environmental Protection Officer recommends the imposition of an unexpected contamination condition to deal with this matter. As such subject to the imposition of that condition the proposal has the appropriate safeguards in place and is considered to be acceptable in this regard.

7. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.*

The site comprises a property in a good state of repair and associated garden land within the building up area of the village enclosed by development. As such there is no reason to believe that the site is subject to protected species.

8. Sustainable buildings

Policy 9 of the JCS seeks development to incorporate measures to ensure high standards of resource and energy efficiency. Policy 30(c) of the JCS requires new dwellings to meet Category 2 of the National Accessibility Standards as a minimum.

Subject to the imposition of appropriate conditions to ensure that the dwellings employ measures to limit water use (to no more than 105 litres per person per day and external use of no more than 5 litres a day) and to comply with the mentioned Accessibility Standards the proposal is considered to be acceptable in this regard.

9. Impact on archaeology

Policy 2 of the JCS, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance heritage assets.

The County Archaeologist says that there is potential for truncated archaeology to survive on the site and therefore the standard condition for an archaeological programme of works which makes provision for the investigation and recording of any remains that are affected, should be attached.

As such subject to imposition of this recommended condition the application accords with Policy 2 of the JCS and therefore is acceptable in this respect.

10. Response to objectors

The issues of the third parties with respect to the impact of the proposal to highway safety, visual (including overdevelopment) and residential amenity (including noise), drainage and need are discussed above. In addition the submitted Heritage Statement is considered to be sufficiently detailed to ensure that a properly informed judgement can be made on matters relating to Heritage. The proposal is considered

to be acceptable on these matters.

The additional issues highlight by the objectors with regard to loss of view (where there is no demonstrable impact on residential amenity) and property devaluation are not material planning considerations and therefore are not relevant in the decision making process.

As such the proposal is considered to be acceptable in these regards with no persuasive evidence provided that would justify a different approach on these matters.

Conclusion

In light of the above the application is considered to comply with the Development Plan with no other material considerations or persuasive evidence coming forward that would justify coming to an alternative view. Thereby the application is considered to be sustainable development and therefore consistent with paragraph 11 of the NPPF should be approved without delay. As such the application is recommended for approval subject to the imposition of the safeguarding conditions laid-out.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316