

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/11/2018	Item No: 5.2
Report Originator	Christina Riley Senior Development Officer	Application No: KET/2018/0698
Wards Affected	Desborough St. Giles	
Location	67 Breakleys Road (land adj), Desborough	
Proposal	Full Application: 1 no. dwelling	
Applicant	Mr L Burley	

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

3. No earthworks or groundworks shall take place until a cross-sectional plan of the site, prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours 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: Final ground levels and contours are necessary to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. No development above building 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: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. No development above slab level 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 building 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.

6. The access and 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.

7. No construction, deliveries of plant or construction materials shall occur outside of the following times: 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.

8. 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.

Officers Report for KET/2018/0698

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

3.0 Information

Relevant Planning History

KE/1981/0119 Dwelling and garage Approved 23.03.8

KE/1980/1394 Dwelling and garage Refused 16.10.80

Site Visit

Officer's site inspection was carried out on 23/10/2018

Site Description

The application site is a long narrow plot located between No's 57 and 67 Breakleys Road. The plot is approximately 6.4m wide for the majority of its length, widening to 9.7m at the front of the site to accommodate parking and pedestrian access requirements. The ground slopes down north to south.

Neighbouring dwellings are a mix of single and two-storey detached dwellinghouses. To the north-west, on higher ground is No. 57, a light buff brick and grey tile two-storey dwelling with a single storey rear extension, a blank elevation faces the application site. To the south-east, on lower ground, is No. 67 Breakleys Road, a darker buff brick and grey tile bungalow with two windows (one to a bathroom and one to a kitchen), facing the application site.

Breakleys Road is characterised by a variety of dwelling types and designs. Most dwellings are set back from the highway, but located towards the front of the plot, with long rear gardens; the location of the dwellings within the plots broadly follows a recognised building line. No. 67, which is adjacent to the site, is one of the exceptions to this.

Members should note that house numbering on this part of Breakleys Road jumps from No. 57 to No. 67 for no apparent reason.

Proposed Development

The application proposes a three bedroomed two-storey dwelling, with a single storey element to the rear, plus associated access and car parking.

Any Constraints Affecting the Site

No Constraints

4.0 Consultation and Customer Impact

Desborough Town Council – no response received.

Local Highway Authority – determine application in accordance with our standard advice.

Environmental Health – no objection subject to Conditions relating to Construction Working hours and Contaminated Land and an Informative relating to Radon.

Neighbours – one letter has been received from No. 57 Breakleys Road objecting to the proposed two-storey element of the dwelling as it will cause overshadowing of the single storey rear extension and reduce light to Velux windows and patio windows and area. Also feel that the two storey element does not match the building line at the rear of the properties in the rest of the street.

5.0 Planning Policy

National Planning Policy Framework

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment (Contaminated Land)

Development Plan Policies

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network of Urban and Rural Areas

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

Local Plan 1995 (Saved Policies)

Policy 35. 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. Impact upon neighbours
4. Highway Safety
5. Sustainable Construction and Design
6. Contaminated Land
7. Refuse
8. Comments on other points raised by proposal

1. Principle of development

The application site lies within the designated town boundary of Desborough,

where development is considered appropriate, in accordance with saved policy 35 of the Local Plan for Kettering Borough and policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS). Policy 11 of the JCS directs development towards the market town of Desborough. Policy 29 of the JCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

Policy 5 of the NPPF encourages use of land within existing settlements where future occupants can benefit from established amenities and public transport. The National Planning Policy Framework (NPPF) does not include garden land within the definition of 'Previously developed land' therefore this site is not a priority for development.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example there should be no adverse impact on character and appearance, residential amenity and the highway network. These matters are considered further below.

The proposed development is located within the settlement boundary of Desborough and is considered acceptable in principle, subject to the satisfaction of the development plan criteria as detailed below.

2. Design, character and appearance

Policy 12 of the NPPF requires good design while Policy 8 of the JCS requires new development to be of a high standard of design, architecture and landscaping and to create distinctive local character which respect and enhance the character of its immediate and wider surroundings.

The application site is a long narrow plot located between no's 57 and 67 Breakleys Road. The plot is approximately 6.4m wide for the majority of its length, widening to 9.7m at the front of the site to accommodate parking and pedestrian access requirements. Surrounding properties in Breakleys Road comprise piecemeal development consisting of single and two-storey detached dwellinghouses, all with similar plot lengths to the application site but with varying plot widths.

In addition to the varied plot widths there are a variety of dwelling types and designs within Breakleys Road, most are set back from the highway and in general conformity with recognised building lines along both sides of the street, with No. 67 (adjacent to the site) being one of the exceptions to this. The footprints of the properties are not excessively large and are positioned towards the front of their plots with long rear gardens.

No 57 sits within a plot slightly more than double the width of the application site; the width of the No 67 as altered by this proposal is approximately double that of the site for the new dwelling proposed here. This results in a narrow plot size and dwelling, however there are a number of plots within Breakleys Road (for example No's 64, 69, 76a close to the site and No's 34 and 36 to the north-west of the site) which have a similar plot width to that proposed here. It

is considered therefore that the width of the proposed plot is accords with the character of this part of Breakleys Road.

The proposed scheme is for a two storey dwelling, with single storey element to the rear, located on garden land that was previously within the curtilage of No. 67. The proposed new dwelling would sit slightly further back in the site than the principal elevation of no. 57 (to the north-west) and forward of the principal elevation of No. 67 by 3.8m, thus providing a 'stepping stone' between the two existing dwellings and making the change to the building line less obvious.

One of the key characteristics of the dwellings on Breakleys Road is that they are of a complete mix of varying styles and design, with a limited number of shared design styles and features. In the immediate vicinity of the application site most dwellings have a hipped roof and many have a bay window (to ground or ground and first floor). The design of the proposed dwelling includes both of these features, thus reflecting the character of this part of Breakleys Road.

The proposed dwelling does not have an entrance door in the frontage elevation, however there are other similar dwellings on Breakleys Road (No. 76A and No. 44), so whilst this is not a common feature, it is not unknown on the street, consequently in this instance the lack of front door is acceptable.

For the reasons detailed above the proposal is considered to be acceptable in relation to its impact upon the site's immediate and wider context and local character. The proposal is therefore, in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

3. Impact upon neighbours

Policy 12 (Paragraph 127(f)) of the NPPF requires Local Planning Authorities to seek a high standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

A letter has been received from No. 57 Breakleys Road objecting to the proposed two-storey element of the dwelling as they consider it will cause overshadowing of the single storey rear extension and reduce light to velux windows and the patio windows and area. No. 57 is located to the north of the application site, on slightly higher ground than the application site. The two storey element of the proposal will cause some overshadowing of No. 57 towards the latter part of the day, however this will be limited by No. 57 being on higher ground and will largely be of the blank side elevation, and of the rooflights, which should not be the only source of light to the single storey rear extension. There will be some overshadowing of the patio area but due to the long length of garden available to this dwelling it is not considered that it would be reasonable to refuse the application on these grounds.

No. 67 Breakleys Road (to the south-east) of the applications site is a

bungalow, with two windows in the elevation facing the proposed dwelling. The proposed first floor element extends into the site to a point that is level with the first of these, a bathroom window. Bathrooms are classed as a non-habitable room; therefore the relationship between this window and the two-storey element of the proposal is considered to be acceptable.

The single storey element extends beyond the second window, which is the side window to the kitchen. Due to the path of the sun in relation to this window the amount of direct sunlight that reaches it will be limited and the proposal is unlikely to add significantly to the extent that it would be reasonable to refuse the application for this reason.

As the application site is on a slope, part of it will need to be built up to ensure a level floor for the proposed dwelling. A condition is proposed to require the finished floor levels and section through the site to be approved by the Local Planning Authority prior to the commencement of development. This will ensure the Local Planning Authority can control ground and finished floor levels to minimise the impact on the residential amenity enjoyed by neighbouring dwellings.

Environmental Health has been consulted on this application and has requested a condition limiting work audible at the site boundary to 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. Due to the narrow nature of the site and how close construction will be to the neighbouring dwellings this condition is considered to be reasonable.

It is considered that subject to conditions, the proposed scale, siting and design of the dwelling will minimise any potential amenity impact on its neighbours and that no unacceptable harm to neighbouring amenity would result from the proposed dwelling. Disturbance during construction will be controlled by condition limiting working hours on the application site.

The proposal is therefore considered to be acceptable with regard to its impact upon residential amenity and in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

4. Highway Safety

Policy 9 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The application provides two suitable off road parking spaces, with 2m x 2m pedestrian visibility splays on either side of the parking area. Also proposed is a pedestrian walkway which passes over the north-western visibility splay and continues to the side of the proposed dwelling, running adjacent to the parking area. The pedestrian walkway will have a different surface to the parking

spaces, to discourage cars parking over it.

The 'Site Development Plan (Drawing Number 82 140 06) details an 'amenity area' within the rear garden which contains sufficient space for the storage of two cycles.

The proposal is therefore considered to be acceptable with regard to its impact the highway and in accordance with Policy 9 of the NPPF and Policy 8 of the JCS.

5. Sustainable Construction and Design

Policy 9 of the JCS requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. The policy requires all residential development to incorporate measures to limit use of water to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day. The Sustainability Statement submitted with the application details how this will be achieved and a condition will be added requiring the development to be carried out in accordance with this document.

Subject to this condition the proposal is considered to accord with Policy 9 of the JCS.

6. Contaminated Land

Policy 15 of the NPPF and Policy 8 of the JCS requires new development to take into account any possible contamination and provide the necessary mitigation. Environmental Health has been consulted on this application and has no objections no objection subject to a Contaminated Land Condition. An informative relating to Radon is also suggested.

The condition and informative are considered to be reasonable and have been included above. Subject to this condition the proposal is considered to be in accordance with Policy 15 of the NPPF and Policy 8 of the JCS.

7. Refuse

The 'Site Development Plan (Drawing Number 82 140 06) details an 'amenity area' within the rear garden which contains sufficient space for the storage of 1x 180ltr bin for general, 1x 240ltr bin for mixed recycling, 1x garden waste for paper and a 55ltr box for paper.

This is considered to be acceptable and a condition will be added requiring the development to be carried out in accordance with this plan.

8. Comments on other points raised by proposal

No other issues raised.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The scheme is in keeping with the character of the area and is considered to have an acceptable impact on residential amenity or highway safety. The scheme therefore complies with Policies 5, 9, 12 and 15 of the National Planning Policy and Policies 8, 9, 11, 29 and 30 of the North Northamptonshire Joint Core Strategy and Saved Policy 35 of the Local Plan for Kettering Borough.

Background Papers

Title of Document:

Date:

Contact Officer: Christina Riley, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: