

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/11/2018	Item No: 5.9
Report Originator	James Wilson Development Officer	Application No: KET/2018/0757
Wards Affected	Desborough St. Giles	
Location	89 - 91 Federation Avenue, Desborough	
Proposal	Outline Application: 1 no. dwelling and detached garage with access off Woodwell Road and vehicular access for 89 and 91 off Federation Avenue	
Applicant	Mr & Mrs Stoner	

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 either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Any gates provided at the point of access to the site shall be hung so as to open inwards into the site only.

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

4. No occupation or use of the site shall commence until pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays

shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access/footway level.

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

5. Before the development hereby permitted is first occupied or used, space for the loading, unloading parking and manoeuvring of vehicles shall be provided within the site in accordance with the approved plans and shall thereafter be retained and kept available for such purposes.

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

6. No demolition, construction, deliveries of plant and materials for construction shall occur outside of the following times: Monday to Friday 08.00 to 18.00 hrs, Saturday 09.00 to 13.00 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.

7. 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.

8. The illustrative floor plans for a dwelling with dormers or room in the roof are not approved. The dwelling hereby approved shall only be single storey in height with no habitable rooms in the roof.

REASON: To protect the amenity of the occupiers of adjacent properties and to preserve the character of the area to comply with policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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 in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. 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, or private land, does not discharge onto the highway shall be submitted to and be approved in writing by the Local Planning Authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.

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

Officers Report for KET/2018/0757

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

3.0 Information

Relevant Planning History

KET/2014/0830 - Detached garage and boundary fence with inward opening access gates - 29/01/2015 APPROVED

Site Visit

Officer's site inspection was carried out on 03/10/2018

Site Description

The application site is located in the south-east of Desborough Town within the settlement boundary. The application site comprises 2 semi-detached two storey dwellings constructed of brick with a pebble dash render and is covered by a hipped roof with concrete tiles.

The dwellings sit close to the front of the rectangular site and the back of the north-west boundary has vehicular access onto Woodwell Hill which historically this appears to have been a post and rail fence. A small undesignated footpath runs along the north-west boundary between the application site and 93 Federation Avenue. The rear gardens of the 2 dwellings extend back to the north by approximately 32m.

Proposed Development

The proposal is to create a single (bungalow) dwelling and as illustrated a chalet style on part of the rear garden areas of the existing dwellings of 89 and 91 Federation Avenue. Outline floorplan and elevations show a 3 bedroom house and a separate single garage. All matters are reserved apart from access which is provided directly onto Woodwell Hill. An existing garage serving 91 Federation Avenue is likely to be demolished and a new one erected for the bungalow, therefore it is also proposed to provide off street parking for 89 and 91 Federation Avenue at the front of these properties.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Town Council: No comment

Highway Authority: Application below the consultation threshold. Utilise Local Highway Authority Standing Advice unless particular issues cannot be answered.

Environmental Health: No objection subject to conditions for contaminated land, working hours and an informative regarding radon.

Neighbours: 7 representations have been received objecting to this application, a summary of which is provided below.

- Strongly object on the grounds of the development's unsuitability and impact on residents of Woodwell Hill, which is a small cul-de-sac.
- Bungalows that will be most affected will be nos. 3-5. Even though these have driveways access on and off them depends on whether or not other cars are parked in the small cul-de-sac.
- Having heavy machinery and various works lorries parked in Woodwell Hill will mean that access will not be possible. This is an ill thought out application giving no thought to the impact caused to elderly residents.
- The development will be out of place with what is already present.
- Dirt and noise during construction will be unacceptable.
- Concerns with disruption whilst the building is under construction – road is not full width and measures 16 feet across. Problems encountering problems with parking on the opposite side of the road restricting access to drives.
- With construction vehicles this will inevitable cause disruption. Restriction on working times should be imposed – no commencement of work before 8am and finish by 6pm. No deliveries before 8am and Saturday working until 1pm and no Sunday working.
- Restrictions on parking and deliveries – no contractor's vehicles on Woodwell Hill owing to road width. All drives to be kept clear to enable unrestricted access for homeowners. All deliveries to be guided onto the site by a banksman. Woodwell Hill to be swept by a road sweeper at least once a week if excessive mud on the road.
- Boundary of the east of the bungalow will be close to 87 Federation Avenue and the height of the building will overlook this garden. Will there be a high fence to screen this large building? Will sewers for this building link into No.89/91 sewers? When the huts/garages are taken down on No89 there will be an infestation of rats.
- Woodwell Hill is a narrow road and for large construction vehicles to be accessing the road it will be highly restrictive for elderly and disabled residents.
- The building will overlook the back of 95 Federation Avenue impinging on privacy. A single storey building would be more appropriate given it would also match other buildings in Woodwell Hill.
- Does not appear to be a good reason for building this property and a public right of way would be seriously disrupted.
- Need to consider that many residents in Woodwell Hill are elderly residents – building work will significantly impact in access to the road, lorries will not be able to travel up the road when there are cars parked and it will cause disruption to get them moved.
- As the new development will be so close to the entrances on Woodwell Hill it will also cause problems for the future access of houses in this area.
- Application for a 4 bedroom dormer house is not in keeping with type of properties on Woodwell Hill.
- Reduction in privacy for 93 Federation Avenue due to proposal for a

dormer bungalow which will completely overlook rear garden.

5.0 Planning Policy

National Planning Policy Framework

Para 68 and 70 NPPF

Section 5 – Delivering a sufficient supply of homes

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy

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 28. Housing Requirements

Policy 29. Distribution of New Homes

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, character and appearance
3. Residential Amenity/Impact upon neighbours
4. Impact on Future Residents/National Space Standards
5. Highway Safety, Access and Parking
6. Sustainable Construction and Design
7. Construction Traffic

1. Principle of development

The revised National Planning Policy Framework (NPPF), published in July 2018, sets out the Government's planning policies for England and how these are expected to be applied. At its heart is a presumption in favour of sustainable development. The NPPF confirms the statutory status of the Development Plan where section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise'*. The NPPF is a material

consideration in planning decisions.

The application site is located in an established residential area to the west of Desborough within the town boundary and on the northern side of Federation Avenue.

The principle of proposing a residential property within the confines of a town is consistent with saved Local Plan Policy 35, Policy 11 and 29 of the North Northamptonshire Joint Core Strategy (NNJCS) and guidance contained within the NPPF which seeks to focus development in towns in the interest of sustainability and to safeguard rural areas.

Policy 11 of the NNJCS directs development towards the Growth Town of Kettering and market towns of which Desborough is one. Policy 29 of the NNJCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. While Paragraph 70 states that local plans can consider the case for setting out policies to resist inappropriate development of residential gardens, the Local Development Plan does not currently address this issue.

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.

Planning application KET/2014/0830 establishes the principle of vehicular access to the site for a rear garage subject to the maintenance of pedestrian visibility splays.

As such, the general principle of proposing housing in this location is supported by the above mentioned policies, all of which are consistent with the NPPF.

2. Design, character and appearance

Section 12 of the NPPF requires good design while Policy 8d) of the NNJCS requires development to respond to the site's immediate and wider context, to be of a high standard of design and landscaping and to respect and enhance the character of its surroundings.

The application site is a small square plot at the end of Woodwell Hill which is created by the combination of parts of the rear gardens of 89 and 91 Federation Avenue. The site is approximately 290sqm in size with the footprint of the proposed bungalow being 89sqm situated towards the houses on Federation Avenue. The illustrative chalet bungalow is located approximately 1m from the new boundary of the existing properties and 14m from their rear elevations. The proposed development provides for a single garage offset from the bungalow and a small garden area. The density of this development is somewhat at odds with the prevailing character and style of development in

the local area which is typified by semi-detached properties with relatively long back gardens.

However, there has been backland development behind Federation Avenue, such Woodwell Hill and development on Royal Gardens and in these locations the density is higher than Federation Avenue and not dissimilar to the plot size which is proposed. The footprint of the bungalow would create a plot ratio of approximately 30% which is not unacceptable in this locality.

While the proposals are for outline planning permission, with only access to be determined, the illustrative floor plans show a dormer style chalet. This is not in keeping with the other style bungalows on Woodwell Hill all of which do not have dormer style rooms within the roof. Therefore, the illustrative floor plans and elevations submitted with the application suggesting a dormer style bungalow would not be in keeping with the general style and character of the area which is typified by just bungalows. Should any reserved matter application be submitted without dormer or 'Velux' style windows it is likely to be able to conform to the general style and character of the area.

Therefore, the proposed illustrative plans do not reflect the design and character of the surrounding buildings and would be contrary with Policy 8d) of the NNJCS and paragraph 127 of the NPPF, should this be proposed in reserved matter plans.

This point is addressed through a condition in the recommendation.

3. Residential Amenity/Impact upon neighbours

Policy 8e) of the NNJCS 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.

The illustrative plan indicates a chalet style 2 storey dwelling sited on part of the rear gardens of 89 and 91 Federation Avenue. The southern and eastern elevations of the bungalow are positioned approximately 1m from the boundary. The distance between the gable end and the rear elevation of 89 and 91 Federation Avenue is 14m which represents adequate separation. The proposed dormer windows on the front elevation of the dwelling directly look over the rear garden of 93 Federation Avenue being only approximately 8m at the nearest point. The illustrative plans suggest that any glazing to the rear elevation would be obscured and fixed shut. This may be acceptable to protect against overlooking and the privacy for residents of 87 Federation Avenue, however, this may reduce the degree of ventilation for the first floor bedrooms. It is assumed from the plans that there would be no windows which would overlook the gardens of 89 or 91 Federation Avenue.

The Council's pre-application advice to the applicant considered that a first floor habitable bedroom may be difficult to achieve in respect of its acceptable impact on overlooking, privacy and the residential amenity of neighbours. In assessing this impact from the proposed plans it is considered that this is confirmed to be the case as the overlooking would create an unacceptable

level of intrusion and loss of privacy for these neighbours.

Therefore, the proposed illustrative design for the dwelling would create an unacceptable impact on the residential amenity for the residents of 93 Federation Avenue and would therefore be contrary to Policy 8e) i) of the NNJCS.

Again this aspect is considered in the recommendation.

4. Impact on Future Residents/National Space Standards

Policy 30 of the NNJCS requires that new housing development meets the National Space Standards as a minimum and therefore detailed consideration needs to be given to the gross internal floor area that is required in relation to the number and size of bedrooms and potential occupants.

The proposed 3 bedroom dwelling has the ability to accommodate up to 5 people. The minimum gross internal area for a dwelling with 2 storeys required by the standards for this amount of people is 93sqm whereas the proposed gross internal area is 112sqm.

While the overall space requirement is likely to be acceptable the individual room sizes do not. The smallest bedroom on the first floor is only 5.76sqm and 1.8m wide and some of this area would need to be discounted as it is less than 1.5m high. The standards state that;

c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide

The second bedroom on the first floor is also appears to be under the required space standards (11.5sqm for a double room) given the limitation of the height of the roof.

It is therefore considered that the dwelling as proposed cannot meet the nationally described space standards and would consequently provide unacceptable living accommodation and conditions for future residents of the dwelling. This would be contrary to policy 30 of the NNJCS and paragraph 127 of the NPPF.

5. Highway Safety, Access and Parking

Policy 8b) states that development should make places safe and pleasant by ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The proposed access to the site is from the end of Woodwell Hill which is an adopted road. The access is bisected by a footpath running along the front of the property which extends from Federation Avenue to open fields and woodland beyond following the alignment of a dismantled railway line. The footpath is not a public right of way; however, it appears to be relatively well

used. As stated above planning application KET/2014/0830 establishes the principle of vehicular access to the site for a rear garage subject to the maintenance of pedestrian visibility splays.

It is considered that if the visibility splays are maintained, a hard bound surface is used for the drive and drainage is provided such that surface water does not discharge onto the highway or the footpath then the access arrangements would be acceptable in relation to the proposed development.

In relation to parking requirements the Highways Authority's parking standards guidance states that dwellings with 2/3 bedrooms should provide 2 parking spaces per dwelling with 1 visitor space across the development. A garage is considered to represent one parking space and the dimensions need to be a minimum of 6m x 3.3m which is the case here. A further parking space is located opposite the garage and meets the required dimensions 5.5m x 3m and it would be just possible to park a further visitor's vehicle on the forecourt of the dwelling to enable this to be off road. Therefore it is considered that the proposed dwelling would meet the required standards.

However, the removal of the garage and parking area for 91 Federation Avenue is likely to increase the amount of on-street parking on Federation Avenue. The proposals do provide for new dropped kerbs for both 89 and 91 Federation Avenue and this could potentially create 1 parking space for each dwelling, however, due to the existing situation in respect of parking for these properties this would not be a reason for refusing the application.

Therefore it is considered that the access and parking arrangements are adequate for the proposed development and there will be no significant impact on highway safety created by the proposals and they would accord with policy 8b) of the NNJCS.

6. Sustainable Construction and Design

Policy 9 of the NNJCS requires development to incorporate measures to ensure high standards of resource and energy efficiency and reductions in carbon emissions. All residential development should incorporate measures to limit use to no more than 105 litres/person/day of tap water and external water use of no more than 5 litres/person/day.

The application is supported by a Sustainability Appraisal and Energy Statement setting out various construction and materials, appliance and waste recycling measures which would help to achieve the requirements of Policy 9 of the NNJCS. A Sustainable Design Checklist from the North Northamptonshire Sustainable Design SPD also sets out the sustainable credentials of the development. It is considered that as this application is for outline consent only that any detailed proposal could demonstrate that resource and energy efficiency measures could adequately be provided to meet the policy requirements outlined above.

7. Construction Traffic

There have been several third party responses to the application regarding the

potential disruption and blockages to drives for existing residents from large and numerous construction vehicles.

Woodwell Hill is an adopted road which is approximately 4.75m in width. Access for bungalows located to the north of Woodwell Hill are provided onto the road and several rear accesses for vehicles have been created on the opposite side of the road for 95, 99 and 101 Federation Avenue.

The size of the site will not allow for site vehicles to access the site, manoeuvre and enable them to exit the site in a forward gear. Therefore, site deliveries will have to be made by reversing larger vehicles along Woodwell Hill for unloading. Contractor's vans would also need to access Woodwell Hill.

As an adopted road any obstruction of the highway or existing driveways would be a police matter and would require their intervention to remove the offending vehicle or blockage. A single white line on the southern side Woodwell Hill has been previously marked out by the Highways Authority as a polite warning that parking is likely to cause problems in this area due to the number of housings that access the street and the narrow width of the road. However this is only advisory and does not have penalty associated with it should parking occur.

The applicant has indicated that measures would be taken to minimise the disruption of site vehicles during the construction phase and that site worker vans would be parked in areas which would not create problems for access. It is possible to impose conditions to limit delivery times and operations on site which will reduce the impact of the construction, however, it would not be possible to removal all impacts and it is not a justifiable reason for refusing the application.

Conclusion

The proposed site is a small infill site comprising part of two rear gardens with access from an adopted road to the rear. The principle of residential development for a single storey dwelling would be acceptable in this location subject to careful consideration of detailed design and layout to take account of residential amenity and the character and design of the area.

The illustrative proposals submitted with this application would not be acceptable as set out above, however, as an outline application and the only issues to be recommended are the principle of a single storey development and the access to the site, then subject to relevant conditions it is recommended that outline planning be granted.

Background Papers

Title of Document:

Date:

Contact Officer:

James Wilson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: