

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 18/12/2018</b>	<b>Item No: 5.8</b>
<b>Report Originator</b>	<b>Louisa Johnson Development Officer</b>	<b>Application No: KET/2018/0810</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>92 - 96 Finedon Street, Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: Alterations to existing dwelling. Demolition of commercial buildings and erection of 6 no. flats</b>	
<b>Applicant</b>	<b>Miss S Scripps Best Asset Ltd</b>	

### 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 above building slab level shall commence on site until details of the types and colours of all external facing, roofing and hard landscaping / surfacing 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.

4. Prior to the commencement of development a Demolition and Construction Management Plan, including measures to be taken to prevent spoil or mud being deposited on the highway, shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.

REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

5. 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.

6. 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 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.

7. The parking spaces and manoeuvring space 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 in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to first use or occupation of the development hereby permitted, the means of vehicular access shall be of a minimum width of 4.5m for the first 10.0m from the Highway Boundary. That area 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 interest of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

9. Any gates provided shall be set back a distance of 5.5 metres from the edge of the vehicular carriageway of the adjoining highway and 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.

10. Prior to first use or occupation of the development hereby permitted, 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.

11. No development above slab level shall commence on site until details of a scheme for the storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: Refuse details are necessary prior to the commencement of development in the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. No development above building slab level shall commence on site until details of a scheme for the provision of the surface water drainage (including a positive means of drainage to ensure that surface water from the vehicular access [or private land] does not discharge onto the highway) has been submitted to and 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 as such.

REASON: In the interest of highway safety and minimising flood risk in accordance with policies 5 and 8 of the North Northamptonshire Joint Core Strategy.

13. 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 development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Prior to occupation of the building hereby permitted, a detailed scheme for external illumination of the site shall be submitted to and approved in writing by the Local Planning Authority. There shall be no external illumination on the site at any time other than in accordance with the approved details.

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

## **Officers Report for KET/2018/0810**

This application is reported for Committee decision because there are unresolved, material objections to the proposal and as a ward member has asked for it to be considered.

### **3.0 Information**

#### **Relevant Planning History**

KET/2011/0803 - KET/2008/0774 (Demolition of dwelling and commercial buildings. Construction of 12 no. apartments including vehicular access, parking and amenity areas – Refused

KET/2011/0721 - Variation of Condition 1 of KET/2008/0774, to extend time for commencement of development - Withdrawn

KET/2011/0472 - Demolition of dwelling and commercial buildings.

Construction of 14 no. apartments, vehicular access and parking - Refused

KET/2011/0721 - Variation of Condition 1 of KET/2008/0774, to extend time for commencement of development - Withdrawn

KET/2008/0774 - Demolition of dwelling and commercial buildings.

Construction of 12 no. apartments including vehicular access - Approved

KET/2008/0048 - Demolition of workshop and erection of bungalow - Approved

KET/2007/0950 - 12 no. one and two bedroom apartments. Vehicle access - Refused

#### **Site Visit**

Officer's site inspection was carried out on 29/11/2018.

#### **Site Description**

The application site is located to the north of Finedon Street in a traditional Victorian terrace street with two-storey terrace properties abutting the pavement to the northern side of the street and two storey terrace properties to the southern side of the street, slightly set back behind the pavement behind 1m high brick walls which abut the pavement.

The application site consists of an approximately 2.5m high traditional red brick wall. On the western corner of the site is a gated access. The front boundary of the site is a dark brick, 2m high brick wall and pedestrian access gate. Within the site is a single storey, white rendered commercial building, no. 94 and a small shed to the rear of the site. The rear, northern boundary of the site is marked by a corrugated metal panels, approximately 2m high and high leylandi.

#### **Proposed Development**

The proposal involves the demolition of the existing commercial buildings on the site, the erection of a new structure to form 6 one bedroom flats and the

refurbishment of the existing house on the site.

### **Any Constraints Affecting The Site**

Burton Latimer Conservation Area

## **4.0 Consultation and Customer Impact**

### **Burton Latimer Town Council**

No comments received

### **Highway Authority**

Objection on the grounds that houses and flats cannot share the same private drive and no more than 5 dwellings can be served from a private drive; and that the application has failed to demonstrate safe access, parking space size and layout, cycle parking and bin presentation point.

### **Environmental Health**

No objection subject to conditions relating to refuse, construction working hours and contaminated land.

### **Environmental Care**

No comments received.

### **Neighbours**

Forty three letters of objection have been received on the following grounds:

- The site is not in the Local Plan
- Burton Latimer has already met its housing allocation and so this site should not be considered
- Impact from noise from number of flats and parking spaces, disturbance, right to a peaceful life
- It is located in the Conservation Area – the council have a legal duty to have particular regard to preserving or enhancing the character of the street. The proposal will not blend as it is a completely different design.
- The access is too close to the junction at only 35m and so does not meet the requirement for new accesses.
- There are not enough parking spaces.
- There is not enough space for the refuse bins to be stored.
- It will be classed as garden grabbing.
- Overshadowing of neighbours
- Overlooking of neighbours
- The density of the proposal is too high and it an overdevelopment of the site.

- Finedon Street is already a busy road used as a cut through, the additional traffic generated would cause more problems and create a safety issue for neighbouring properties and as it is on a Safe Walk to School Route.
- The proposal would put additional pressure on the street, emergency services and waste collection vehicles already have difficulty accessing the road.
- The construction of this development would cause havoc in the street.
- The proposal would be detrimental to biodiversity due to the loss of trees etc. from the existing site.
- The proposed flats would result in a loss of privacy to properties behind and opposite due to the presence of lounges / kitchens at first floor level.
- The proposed building would result in a loss of light to windows in the side elevation and garden of 100 Finedon Street.
- No details of drainage are provided.
- The proposed building does not appear to meet Building Regulations for fire safety.
- The proposed parking area close to gardens of properties would cause noise and disturbance and would be a security issue.
- The proposed bin store would cause smells which will be detrimental to the use of the garden of 100 Finedon Street.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 5: Delivering a sufficient supply of homes

Policy 12: Achieving well-designed places

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy 2016**

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Historic Environment

Policy 5: Water Environment, Resources and Flood Risk Management

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 28: Housing Requirements

Policy 29: Distribution of new homes

#### **Local Plan**

Policy 35 – Housing: Within Towns

## **6.0 Financial/Resource Implications**

None.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Impact on Character
3. Amenity of Future Occupants
4. Impact on Neighbouring Amenity
5. Parking and Highway Safety
6. Refuse bins
7. Other Matters

### **1. Principle of Development**

The application site is located in an established residential area within the town boundary of Burton Latimer as defined by Policy 35 of the Local Plan. The site forms part of the curtilage of 92-96 Finedon Street.

Policy 8 of the NNJC seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area.

Saved policy 35 of the Local Plan states that 'Planning permission will normally be granted for proposals for residential development within the towns, defined by the Town Inset boundaries shown on the Proposals Map, where the proposal is compatible with other policies and proposals in this Plan.' The site is located within the Burton Latimer Town boundary.

Policy 29 of the NNJCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The reuse of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'

Policy 30 of the NNJCS states that 'the mix of house types within a development should reflect: The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people.'

Objections have been received on the grounds that the site is not in the Local Plan and that Burton Latimer has already met its housing allocation and so this

site should not be considered and that the proposal is a form of 'garden grabbing'.

The site is located within the Town's boundary as defined by Local Plan policy 35. The proposal is therefore consistent with Joint Core Strategy (JCS) Policies 11 and 29 which seek to guide development to the Growth Towns followed by Market Towns in the interest of a sustainable pattern of growth and protection of the rural area.

Policy 35 notes that opportunities for housing development, often on relatively small sites, may occur on land currently vacant, under-used or in other marginal uses, through the sub division of a curtilage or through redevelopment. This is consistent with Policy 6 of the JCS and Chapter 11 of the NPPF that seek to promote and support the development of under-utilised land and buildings.

Annex 2 of the NPPF classifies garden land as previously undeveloped land and paragraph 53 states that local planning authorities should consider resisting inappropriate development of residential gardens, particularly where development would cause harm to the local area. Although this removes garden land as a priority for development it does not necessarily preclude the development of garden land. The site is formed of a mix of a residential dwelling with garden and commercial uses; therefore the site is partly previously developed land and partly undeveloped land. Furthermore, the proposal provides a garden for the existing three bed dwelling.

Therefore, it is considered that the proposal is acceptable in principle provided the proposal conforms to other policies and subject to the satisfaction of other material considerations against which development proposals are assessed. This is discussed in further detail below.

## 2. Design and Impact on Character

The application site is located within an established residential area which is predominately made up of traditional Victorian terrace street with two-storey terrace properties, abutting the pavement to the northern side of the street and two storey terrace properties to the southern side of the street, slightly set back behind the pavement behind 1m high brick walls which abut the pavement. On both side of the street there is an obvious and consistent building line, ridge and eaves height, which adds to the sense of enclosure in the street and forms its principle character.

A number of objections have been received on the grounds that the proposal is not in keeping with and harmful to the character of the conservation area; and



that the council has a legal duty to have a particular regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications in conservation areas Planning Authorities have a general duty to ensure that 'special attention be paid to the desirability of preserving or enhancing the character or appearance of that area'.

The proposal involves the demolition of the existing commercial buildings on the site, the refurbishment of the existing house and the erection of a two storey building to form 6 x one bed flats.

The proposed new building would measure approximately 13.7m wide, 15.7m deep and 8.1m in height. The proposed building height would match the height of the existing house on the plot and would respect the building line. The access would be located between the existing and new building in a similar location to the existing layout.

It is considered the proposed building echoes the style of the existing house on the site and would be in keeping with the character of that property. It is noted that some elements of the existing dwelling are being demolished, however it is considered that these elements are not of significant value and their loss would not be harmful to the character of the conservation area.

As such it is considered that the proposal would preserve the character of the conservation area and would not be harmful to the conservation area. Therefore it is considered that the proposed dwelling would be in keeping with the pattern of development, would preserve the character of the conservation area and would not be detrimental to the character of the area in accordance with the relevant parts of Policies 5 and 12 (NPPF) and Policy 8 (NNJCS).

### 3. Amenity of future occupiers

Policy 8 e(i) of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

The proposed one bed flats and three bed house meet the requirements of the Technical Housing Standards – nationally described space standards, March 2015.

The proposal would provide rear amenity space of approximately 97sqm, this is considered to be adequate for a property of this size.

The proposal would be acceptable in terms of the amenity of future occupiers and in accordance with policy 8 e(i) of the NNJCS.

#### 4. Impact on Neighbouring Amenity

Policy 8 of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

A number of objections have been received on the grounds that the proposal would be detrimental to the amenity of nearby residents on the grounds that the development would be overbearing, would cause a loss of light and shadowing, would overlook private rear gardens and rooms in existing houses resulting in a loss of privacy, would cause noise and disturbance due to the presence of the parking spaces and odours due to the bin store location.

The site shares a side boundary with 100 Finedon Street, the proposed building would be located approximately 0.4m off the boundary with this property. No. 100 is set off the boundary by approximately 2m with a side access. Therefore the proposed would be set approximately 2.4m from the side elevation of no. 100. No. 100 has two first floor obscure glazed windows in the side elevation which serve the landing / hallway; therefore these windows do not serve a habitable room.

The proposed building would extend beyond the two storey element at no. 100 by approximately 5m and 2m beyond the single storey element. Where the proposal extends beyond the two storey element of no. 100, the proposed building is stepped further away at 1.8m off the boundary.

The proposal would not affect light received to windows in the rear elevation of the two storey element or the rear elevation of the single storey element. It is acknowledged that the proposal would affect light received through the roof of the single storey conservatory element; however it is considered that the conservatory would receive enough light from other directions. Given the additional separation distance it is considered that the proposal would not be overbearing to no. 100, nor would it cause a significant loss of light or shadowing to no. 100 or its garden.

It is acknowledged that windows at first floor level in the rear elevation of the proposed building would overlook the rear garden of no. 100; however it is considered that this would be no worse than a normal relationship between

two houses, and so would not be unacceptable.

Concerns have also been raised regarding the proximity of the proposed parking spaces and bin store to the rear garden of no. 100. Whilst the bin store could cause odours, it is considered that if appropriately managed and emptied regularly this should not occur. In regard to parking spaces, the majority of the spaces are away from the boundary with no. 100, furthermore there is existing parking for at least two cars on the site and so some vehicles movements will already occur. It is acknowledged that the proposal would increase the number of parking spaces significantly; however it is considered that the impact of residential parking spaces would not be so harmful as to be unacceptable.

Therefore it is considered that subject to a condition requiring a waste management plan for the site it is considered that the proposal would not have a detrimental impact on 100 Finedon Street.

The site shares a boundary with 76 Alexandra Street; an objection has been received from the occupants on the grounds of noise and disturbance from parking spaces and overlooking.

The proposed building would be approximately 13m from the boundary with no. 76. Given this separation distance it is considered that while windows in the rear elevation of the proposed building would overlook parts of the rear garden of no. 76, this would be no worse than a normal relationship between two houses, and so would not be unacceptable.

The proposed parking would be located on the boundary with no. 76, it is acknowledged that the proposal would increase the number of parking spaces significantly; however it is considered that the impact of residential parking spaces would not be so harmful as to be unacceptable.

The site shares a boundary with 82, 84, 86, 88, 90, 92 and 94 Finedon Street, the back gardens of these properties back onto the site boundary. The existing dwelling and its garden would abound with no's 86, 88, 90, 92 and 94 and so the relationship with these properties would not change.

The proposed parking area would be adjacent to the boundary with no's 82 and 84 Finedon Street. The nearest parking space would be 2.6m off the boundary and the boundary hedge would be retained. It is considered that this separation distance and boundary treatment are sufficient to mitigate the impact of the parking area.

The proposed building would be opposite 95, 97 and 99 Finedon Street and we have received objections on the grounds that the windows on the front elevation would overlook windows on the front elevation of these properties resulting in a loss of privacy. The proposed building would be approximately 10m away from these properties with the road in between. It is considered that this relationship would be no worse than the normal relationship between two properties on either side of the road. It is noted that some of the windows would serve kitchens and lounges, however it is considered that the separation distance is sufficient to mitigate the impact of these windows.

Therefore it is considered that there will be no unacceptable impact on the amenity of neighbouring residents through this proposal subject to conditions requiring details of waste management and requiring details of boundary treatments in accordance with policy 8 of the NNJCS.

#### 5. Parking and Highway Safety

Policy 8 of the NNJCS requires development not to have an adverse impact on the highway network and not to prejudice highway safety.

The proposal includes a driveway of approximately 4.6m wide, between the proposed and existing buildings on site with parking for 12 cars to the rear. The proposed access would replace the existing access to the site, and so would not increase the number of accesses to the site and therefore would not reduce existing on road parking space.

An objection was received from the Northamptonshire Highways Authority on the grounds that houses and flats cannot share the same private drive and no more than 5 dwellings can be served from a private drive; and that the application has failed to demonstrate safe access, parking space size and layout, cycle parking and bin presentation point. The applicant has subsequently submitted amended plans, the Highways Authority have been re-consulted on these and any further comments will be reported in an update report.

The Highway Authority has adopted Standing Advice for Planning Authorities in relation to domestic vehicle accesses serving one to five dwellings. The site currently provides an access for one residential dwelling and commercial buildings on the site. The proposal would be for the new access to serve 6 one-bed flats and one three bed house.

This would be contrary to policy DM15 of the Northamptonshire Highway Development Strategy (NHDS) which seeks to prevent more than 5 dwellings being served off a shared private drive. In such circumstances the Highway

Authority expects the drive to be capable of being adopted as public highway. However, the layout and design of the shared private drive does not meet the Highway Authorities adoptable standards.

Therefore it needs to be considered whether the development's design and layout would result in harm to highway safety if the proposed development was built.

The proposed access provides adequate pedestrian visibility splays and given the nature of the driveway it is a reasonable assumption that the vehicles travelling along it are likely to be travelling at a slow speed. As a consequence, there would be sufficient time for users of the driveway to see other road users and pedestrians and avoid coming into conflict. The shared driveway is sufficiently wide at 4.6m for cars, pedestrians and cyclists to pass each other. A number of objections have been received on the grounds that the access is too close to the junction and contrary to Policy DCAN-15; however this policy applies to Northern Ireland and so is not relevant here. Furthermore the access which is at least 40m from the junction, meets the requirements set out in the LHA Standing Advice which requires an access to be at least 25m from the junction.

As a result, it is considered that the additional vehicle movements generated by the development would not result in harm to highway safety.

In relation to parking, the site provides 12 off road parking spaces which meet the parking standard required by the Highways Authority for 6 flats; the parking layout has been amended in line with the Highways Authority comments and now meets the required standard. The existing three bed dwelling would be required to park on road and so the proposal would result in a small increase in on road parking for the existing dwelling. The space available is not dissimilar to that found in urban areas generally and as such it is considered that the need for on road parking for one three bed dwelling would not increase on road parking to the extent that highway safety or the free movement of traffic would be harmed.

A number of objections have been received on the grounds that the proposal would place too much pressure on an already busy road and that it would cause problems for emergency vehicles and other large vehicles trying to access the road. However, whilst the Highways Authority has objected on some grounds (discussed above) they have not stated that Finedon Street cannot support the additional traffic from the development. Furthermore, the proposal would provide off street parking for the proposed flats and so is unlikely to significantly worsen the existing on street parking situation.

Taking all these matters into account, it is considered that the proposed development would not harm highway safety and that safe and suitable access would be provided to it. As a result, it would comply with policy 8 of the NNJCS.

#### 6. Refuse storage

The proposal includes a bin store at the rear of the site and a bin collection point at the front of the site, off the road. It is considered that subject to an appropriate condition requiring details of the bin store and its management that the proposed bin store and collection point would be adequate for the proposed development in accordance with policy 8 of the NNJCS.

#### 7. Other Matters

A number of objections have been received as follows:

- The construction of this development would cause havoc in the street.

Whilst it is acknowledged that during construction there will be noise and disturbance, this is not considered a reason in of itself to refuse the application. Furthermore a condition requiring a construction management plan to be submitted can be attached to the permission.

- The proposal would be detrimental to biodiversity due to the loss of trees etc. from the existing site.

It is acknowledged that the existing garden will be lost; however a new garden will be created for the existing three bed house. Therefore it is considered that any biodiversity lost would be replaced.

- No details of drainage are provided.

A condition requiring a surface water management scheme to be provided can be attached to the permission to ensure that the development deals with surface water appropriately.

- The proposed building does not appear to meet Building Regulations for fire safety.

Fire escapes and fire safety measures are dealt with under Building Regulations and so it is not appropriate to address this under planning regulations.

## **Conclusion**

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area and residential amenity. Subject to conditions the proposed development is acceptable and recommended for approval.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date: