

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 18/12/2018</b>	<b>Item No: 5.10</b>
<b>Report Originator</b>	<b>Louisa Johnson Development Officer</b>	<b>Application No: KET/2018/0833</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>58 Finedon Road (land rear of), Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: Single storey dwelling</b>	
<b>Applicant</b>	<b>Mr S Haines</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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as submitted:

Walls - Langley Red Brick

Roof - Marley concrete plane roof tile grey

Windows and Doors - White upvc

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

4. 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.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the North West and South East elevations or roof planes of the building.

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

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, C, D and E 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 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. Prior to occupation of the development hereby permitted, details of surfacing of the vehicular access and 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 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.

## **Officers Report for KET/2018/0833**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2015/0303 – 1 no. bungalow – Approved 01/07/2015

KET/2015/0112 – Demolition of existing garage and the construction of a pair of semi-detached bungalows on land to the rear – Withdrawn

KE/1987/0806 – Rear extension – Approved

KE/1984/0336 – Extension to dwelling – Approved

#### **Site Visit**

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

#### **Site Description**

The application site is located on the western side of Finedon Road, on land to the rear of No. 58. No. 58 is a detached bungalow which is set back from the road with a driveway to the south. The application site forms part of the residential curtilage of No. 58 Finedon Road and a detached garage is located in the south western corner of the site at the end of the driveway. The remainder of the site is laid to lawn and separated from the main garden of No. 58 by a 2 metre high close boarded fence and one mature evergreen tree. There is a public footpath to the north of the site and this boundary is marked by a 1.8 metre high brick wall topped with close boarded fencing. The boundary to the west is enclosed by mature leylandii trees.

Finedon Road is characterised by a variety of house types including detached and semi-detached two storey dwellings and bungalows. The character of the area, however, is entirely residential in nature. Directly south of the application site is a relatively recent development of 3 no. two storey dwellings which were constructed on land to the rear of No. 60 Finedon Road. One no. two storey dwelling was also constructed to the south of No. 60 as part of this development which is known as Finedon Close. Planning permission has been granted for a development of 35 no. dwellings on the opposite side of Finedon Road, to the south east of the application site and these properties are currently under construction. Outline planning permission has also been granted for 69 no. dwellings at Bosworth's Garden Centre located to the south/south-west of the site.

### **Proposed Development**

The proposal involves the demolition of the existing garage and the erection of 1 no. detached bungalow on land to the rear of No. 58 Finedon Road.

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

C Road

Nene Valley NIA Boundary

## **4.0 Consultation and Customer Impact**

### **Burton Latimer Town Council**

No comments received

### **Highway Authority**

No comments received

### **Environmental Health**

No comments received

### **Environmental Care**

No comments received.

### **Neighbours**

One objection received on the following grounds:

- The proposed building is too high and would overshadow the rear gardens of properties on Queensway.
- The privacy of properties on Queensway would be affected if there are any windows in the side elevation on the boundary.
- If the boundary treatment adjacent to the foot path is not replaced, this could cause security concerns.
- The proposal would impact views of the countryside.

## **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 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. Trees
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 residential curtilage of No. 58 Finedon Road.

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.’

The principle of the proposed dwelling in this location within the Burton Latimer town boundary, a market town, is in accordance with saved policy 35 of the Local Plan, policy 29 and policy 30 of the NNJCS.

The site had a previous permission for a bungalow granted permission under KET/2015/0303; the current proposal is materially the same as the previous scheme. Whilst the 2015 permission has now lapsed it establishes the principle for a single dwelling on the site.

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. 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 that contains a variety of dwelling styles including bungalows and two storey dwellings. The site comprises garden land located to the rear of No. 58 Finedon Road. No. 58 is a detached bungalow, set back from the road with a relatively substantial rear garden which has been subdivided by a 2 metre high close boarded fence. The proposal involves the demolition of the detached garage located in the south western corner of the site and the construction of 1 no. detached bungalow.

The property to the north of the site comprises a dormer bungalow, while further north are two storey properties. Directly south of the site, at No. 60 Finedon Road is a two storey dwelling and a development of 4 no. two storey dwellings has recently taken place on land to the rear and side of this dwelling.

There are a number of other instances of back land development in the vicinity of the application site and the site has a historic planning approval for the site under KET/2015/0303. Given the surrounding development and the historic approval, it is considered that the proposal would not be out of keeping with

the pattern of development and would not significantly worsen the impact on the character of the area. As such it is considered that the proposal will not be out of keeping with the character of the surrounding area, nor will it lead to an unacceptable high density of development in the surrounding area.

The proposed bungalow is of a fairly typical design with a gable roof and a minor projection forward of the principal elevation. The dwelling will be orientated to face south with access to the property gained via the existing driveway. Given the position of the dwelling and its single storey height it is considered that the proposal will not have a significant adverse impact on the character of the surrounding area.

It is considered that the proposed dwelling would be in keeping with the pattern of development 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 dwelling provides a total floorspace of approximately 85.5sqm with three bedrooms, one double and two single; therefore the proposed dwelling complies with the requirements of the Technical Housing Standards – nationally described space standards, March 2015.

The proposal would provide an amenity space of approximately 95sqm; this is larger than the footprint of the proposed dwelling and is similar to that provided for the adjacent development to the rear of 60 Finedon Road. Therefore it is considered that it would be sufficient for a house 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.

As outlined above the proposal involves the construction of 1 no. detached bungalow on land to the rear of No. 58 Finedon Road. The bungalow will be accessed via the existing driveway serving No. 58 and the dwelling will be

orientated to face south towards this access. The dwelling will be positioned 0.6 metres from the boundary with No. 58 Finedon Road to the east. However, as no windows are proposed in the side elevation there will be no impact in terms of overlooking of no. 58.

The site shares a boundary with 30, 32 and 34 Queensway, the proposed dwelling would be located on the rear boundary and would overlap the rear gardens of no's 30 and 32.

An objection has been received from a property on Queensway on the grounds that the proposed dwelling would overshadow the rear gardens of properties on Queensway, affect privacy due to overlooking and security due to the presence of the public footpath to the side of the site.

The proposed dwelling would be approximately 5.5m in height to the ridge; it is acknowledged that the building would cast shadow over the rear gardens of 30 and 32 Queensway in the mornings. However, the rear gardens of these properties are at least 24m deep and overshadowing would only affect the end of the gardens. Given this it is considered that while the proposal would cause some overshadowing, it would not be so severe as to be unacceptable.

The proposed side elevation facing no's 30 and 32 Queensway is blank and this could be secured by a condition to ensure that there is no overlooking of these properties. The proposal does not include details of boundary treatments, however a condition can be attached requiring boundary treatment to be provided and maintained to ensure that the site and adjoining gardens are secure.

The site shares a boundary with 4 Finedon Close and the side elevation of No. 4 Finedon Close will face the front elevation of the proposed dwelling. There are two no. windows at first floor level in this property facing the application site but as these windows are obscure glazed there will be no impact on the amenity of the future occupiers of the proposed development. The proposed dwelling is positioned sufficient distance from No. 60 Finedon Road to the south east for there to be no impact on the amenity of this occupier. The dwelling will be positioned between 7 and 8 metres from the rear boundary with the dwelling to the rear, No. 5 Villa Gardens, positioned approximately 10 metres from this boundary across the public footpath. As such there will also be no impact on the amenity of the occupiers of this dwelling.

Given that the proposed dwelling is single storey in height with a total height of approximately 5.5 metres and an eaves height of 2.6 metres and given that the dwelling will be positioned sufficient distance from surrounding properties it is

considered that the proposal will not have a significant adverse impact in terms of overshadowing, loss of light or overbearing. Therefore it is considered that there will be no unacceptable impact on the amenity of neighbouring residents through this proposal subject to conditions preventing the insertion of openings in the side elevations 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 proposed dwelling will be accessed via the existing driveway serving No. 58 Finedon Road. This access will serve the proposed dwelling with access to No. 58 to be gained via a new dropped kerb to the north of this access.

The proposed access is 4m wide at the narrowest point, which is more than the minimum of 3.3m wide for a single dwelling required by the Highway Authority Standing Advice. The proposal provides space for at least two cars and adequate space for manoeuvring.

The proposal is acceptable in terms of the access and parking in accordance with policy 8 of the NNJCS.

#### 6. Trees

The western boundary of the site is marked by mature leylandii trees while mature trees are also positioned on the northern and eastern boundaries of the site. These trees will be lost as a result of the development. However, the site is not within a Conservation Area and as such no protection is afforded to the trees and they could be removed at any time regardless of this development. In addition, the trees are not particularly visible from the street and as such there will be little impact on the visual amenity of the surrounding area.

#### 7. Other Matters

An objection received also raised concern that the development would impact views of the countryside. However, private views are not protected and in any case views would be possible from first floor windows over the top of the proposed bungalow.

## **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:

### **Previous Reports/Minutes**

Ref:

Date:

Louisa Johnson, Development Officer on 01536 534316