

BOROUGH OF KETTERING

Committee	Full Planning Committee - 15/01/2019	Item No: 5.9
Report Originator	Ruth James Assistant Development Officer	Application No: KET/2018/0913
Wards Affected	Desborough Loatland	
Location	2 Swift Close Desborough	
Proposal	Full Application: Change of use from amenity land to garden land	
Applicant	Mr D Blackwell	

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. 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 to F of Part 1 of Schedule 2 of the Order, and Class A and B of Part 4 of Schedule 2 shall be erected, constructed or made 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.

3. The boundary treatments to be used for any the division of the land and any planned perimeter boundary treatment shall be in accordance with the details provided as part of the application; 1.8 metres high standard fence panels/close boarded fencing as shown in photograph KET/2018/0913/7 received on 27th November 2018. Any alternative forms of boundary treatment must be submitted and approved in writing in advance of the commencement of development by the Local Planning Authority. The approved fencing shall be retained as such thereafter.

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/2018/0913

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

3.0 Information

Relevant Planning History

KE/04/0364 – Erection of 130 no. dwellings with associated works. Approved 24/06/2004

KE/99/0754 – Outline: Proposed residential, leisure and `country park` development. Approved at appeal 16/10/2001

Site Visit

Officer's site inspection was carried out on 11/12/2018

Site Description

The application site is located to the north of Desborough within the settlement boundary and is comprised of a strip of land that currently acts as a buffer between the original existing properties at Warren end and Pipewell Road and a new development that took place as part of the wider housing estate known collectively as 'The Grange'. This part of The Grange estate was built out under an approval of reserved matters application KE/04/0364 for 130 no. dwellings and is sometimes referred to as 'The Jelsons site'.

The strip of land is approximately 5 metres in width and it runs in a north westerly direction from Pipewell Road, adjacent to the garden boundary of 'Greenway' for a distance of 94 metres before turning in a north easterly direction for a distance of 54 metres past the gardens of no's 1 and 2 Warren End and then turning southeast for a distance of 95 metres past the boundaries of no 3 Warren End and The Warren where it meets up with Pipewell Road again. Along its outside edge, the buffer strip runs past the boundaries of no's 1, 3, 5, 7 and 11 House Martin Close, 49, 47, 45, 43, 41 and 39 Yaffle Crescent and no's 2, 4, 6, 8 and 20 Swift Close.

The ground slopes gently upwards from south east to northwest and the majority of the boundary treatments are of 1.8 metre high close boarded fencing or fence panels with the two ends that meet up with Pipewell Road being gated, enclosing the area. The area is laid to grass and over the years there have been a number of self-set trees and shrubs that have grown up. At the time of the officers site visit the area between House Martins Close and the property known as 'Greenway' was densely populated and very overgrown with trees and untidy undergrowth, making the area difficult to access and navigate.

Proposed Development

The application seeks consent to change the use of the land from amenity land to garden land.

In the originally submitted application the drawings and red line of the location site were incorrect and required amending. Also the entire buffer strip is currently in the ownership of one person and as it is intended to sell sections of the land to other

interested parties should this application be successful, an additional drawing showing the proposed ownership and sectioning off of the land was requested and submitted. The additional and amended information was reconsulted on for 14 days.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Desborough Town Council

No comments received.

Neighbours

Initial consultation – objection received from the occupants of 1 House Martin Close:

- Concerns regarding the untidy land, future development of the land for housing and security

14 day re-consultation – Comments received from 41 and 43 Yaffle Crescent and 11 House Martin close:

- No.41 objection: Security, loss of the trees and privacy, loss of wildlife buffer, future development of the land, possible nuisance and noise
- No.43 objection: loss of wildlife buffer, access to maintain boundary fencing, loss of privacy.
- No 11 objection: Loss of the buffer separation between the properties, lack of maintenance of the area by Jelsons and the current owner, misuse of the area for dumping garden waste, concerns regarding the security to properties abutting the buffer strip, concerns over the future development of the area.

5.0 Planning Policy

National Planning Policy Framework

Section 8: Promoting Healthy and Safe Communities

Section 15: Conserving and Enhancing the Natural Environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 3: Landscape Character

Policy 4: Biodiversity and Geodiversity

Policy 8: North Northamptonshire Place Shaping Principles

Saved Policies in the Local Plan for Kettering Borough

D5. Desborough: Affordable Housing

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development.
2. Character and design.
3. Residential amenity.

1. Principle of development.

The application seeks the change of use of the buffer strip area from amenity to garden land.

Permission for the development to the north of Desborough, including Yaffle Crescent and the Country Park, was consented as part of the appeal decision against refusal of outline planning application KE/99/0754. The detailed Reserved Matters for Siting, Design, External Appearance, Means of Access and Landscaping for Character Zone F (the parcel of land including Tawny Lane, Yaffle Crescent and Swift Close) for 130 no. dwellinghouses, was subsequently approved on 24th June 2004 under reference KE/04/0364.

Under application KE/04/0364 the land was designed and required as a buffer strip for the properties around Warren End. Under this consent this buffer strip (along with others around the development) was required to be maintained in accordance with a landscape maintenance schedule for 10 years from planting (Conditions 9, 10 and 11) and a further condition specified that the buffer strip should not form part of any domestic curtilage to any of the approved dwellings (Condition 12).

When considering whether the principle of development is considered to be acceptable, it is important to consider the original purpose of this particular buffer strip. The existing houses around Warren End (1-3 Warren End, The Warren and Greenway) prior to the development of The Grange had been surrounded by open green agricultural land. The introduction of the buffer strip appears to have been introduced primarily to reduce the impact of new housing on the existing residents around Warren End. The condition requiring the maintenance of the buffer strip is likely to have now expired as the condition required a 10 year period of maintenance from planting (consent was given in 2004).

Therefore, if the objectives of the buffer zone can be achieved through a different land use with a fragmented ownership, while this may not be a perfect solution, it is likely to be acceptable in principle and the best solution given the changed circumstances.

2. Character and design

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The buffer strip is approximately 5 metres wide and surrounds the existing houses 1-3 Warren End, The Warren and Greenway. It is currently grassed and has a number of self-set trees and shrubs that have grown up with the area adjacent to the

property known as 'Greenway' being densely populated and very overgrown with trees and untidy undergrowth. The change of use of the land from amenity to residential garden would see the strip divided into smaller sections and sold to individuals, who would absorb the land into the individual curtilages of their properties. This would maintain the separation distance between the now established residential housing built over ten years ago and the original dwelling houses.

It is therefore considered that this would not impact upon the character and appearance of the area to any significant extent and would be in accordance with policy 8(d)(i) of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

In addition to seeking development to respect the character of an area, Policy 8(e) (i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of overbearing, loss of light or overlooking.

The area is currently in the ownership of one individual and should this application be successful, it is intended to divide the buffer strip into more manageable sizes for purchase by interested individuals who would incorporate the plots within their existing gardens. Notwithstanding this objections have been received from the occupants of neighbouring properties regarding a variety of issues and concerns and these are addressed below:

Security: Some residents are concerned that the clearing and tidying of the land (specifically the strip that runs adjacent to 'Greenaway') would leave them more vulnerable at the back of their properties. The two ends of the buffer strip are currently secured by locked gates and these arrangements are to be maintained, which has been confirmed in writing by the applicant. Furthermore the incorporation of the land into residential gardens will increase natural overlooking and surveillance from the rear of the surrounding properties, which is in accordance with good urban design practise.

Loss of the buffer strip separation and privacy: Concerns regarding the loss of the separation that the buffer strip provides will impact upon overlooking and result in a loss of privacy. Although the land will no longer be amenity land, the actual separation distances between respective properties will not be altered. It is recognised that within residential urban environments there is an accepted degree of mutual overlooking. Given that the distance between neighbouring properties will be maintained and the separation provided from rear gardens will not be reduced, (and in some cases increased by the incorporation of the buffer strip) it is not considered that a change of use of the land would result in unacceptable overlooking impacts between properties.

Loss of the trees and impact to wildlife: The area does not lie within a conservation area and so there are no restrictions to any works on the trees that have self-set themselves within the buffer strip area, and therefore this cannot be considered within the realm of this application. Similarly any impact to wildlife will be small given that the land is to be used as residential garden and not built over. The strip of land

was never given any formal conservation designation or status and as discussed in this report it was introduced into the original development primarily to reduce the impact of new housing on the existing residents around Warren End.

Maintenance of the land: The condition requiring a ten year period of maintenance for the areas of land within the site that formed buffer zones has now expired. The developer has sold off these pieces of land including the buffer strip that this application relates to. This has resulted in there being no management arrangements in place for the land. The change of use from amenity to garden land would enable the area to be divided into more manageable plots to be incorporated into residential gardens, thus safeguarding the future maintenance of the land.

Access to maintain boundary fences: Currently the area does provide access for the maintenance of existing boundary treatments to the rear of neighbouring properties. An informative will be included to any consent given advising of the Party Wall Act. This legislation is designed to allow neighbours access for the maintenance of boundary treatments and assist in overcoming any difficulties regarding access, should any arise in the future.

Future development of the area: The application is for a change of use of the land only this would be subject to a planning condition that removes permitted development rights on all of the land for the erection of any outbuilding (e.g. garage, garden shed, etc.) upon the land. This would be in the interests of prudence and to ensure that residential amenity is properly safeguarded. Any future applications for development would be considered on the merits of that application in accordance with policy and legislation at that time.

The proposed development is in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development appropriately safeguards the amenities of neighbouring occupants.

Conclusion

The proposal for change of use of this land into residential garden land is likely to have limited effects on the landscape character, visual amenity and ecological conservation of the buffer strip. It is therefore recommended to approve the application subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Ruth James, Assistant Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: