

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/09/2019	Item No: 5.3
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2019/0385
Wards Affected	Northfield	
Location	41 Oxford Street, Kettering	
Proposal	Full Application: Erection of 2 new dwellings and two storey side/rear extension and single storey rear extension to No.41	
Applicant	Mr S Ash Perfecta Assets	

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 on No.41 hereby permitted shall match, in type, colour and texture, those on the existing building.

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

4. No development above building slab level shall commence on the new dwellings until details of the types and colours of all external facing and roofing materials to be used on the new dwellings, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. No development above building slab level shall commence on the new dwellings until the completion of the extension on No.41.

REASON: To prevent loss of light, loss of privacy, overlooking and overbearing impacts to neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The first floor window on the side elevation on No.41 serving a hall shall be glazed with obscured glass and any portion of the window that is within 1.7m of the floor of the room where the window is installed shall be non-openable. The window shall thereafter be maintained in that form.

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

7. No earthworks or groundworks shall take place until a cross-sectional plan of the site, prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Final ground levels and contours are necessary to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development above slab level shall take place on the new dwellings until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The new buildings 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.

9. Prior to first occupation of the new dwellings, the parking areas should be provided on site in accordance with plan 19-002-19A and shall thereafter be set aside and retained for those purposes.

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

10. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary.

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

11. Demolition or construction works shall not occur outside of the times Monday to Friday 08.00 to 17.00 hrs and at no time whatsoever on Saturdays, 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.

12. 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.

13. Prior to the commencement of development, a method statement for the removal of Asbestos from site shall be submitted for the written approval of the Local Planning Authority. The works shall thereafter be undertaken in strict accordance with the approved details unless otherwise agreed in writing in advance by the Local Planning Authority.

REASON: in order to prevent contamination of land and in the interest of residential amenity in accordance with policy 8 of the North Northamptonshire Core Spatial Strategy.

14. No development shall take place above slab level until details of a refuse storage and collection point has been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage and collection point shall be provided before the occupation of either of the new dwellings and retained as approved thereafter.

REASON: Refuse details are necessary prior to the commencement of development in the interests of visual amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the occupation of either of the new dwellings, evidence of how the residential elements of the development hereby approved shall achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standard 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition) shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests to provide a sustainable form of development in accordance with Policies 8 and 9 of the North Northamptonshire Joint Core Strategy.

16. 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 side elevations or roof plane of the existing building or new buildings.

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.

17. 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 extension or alteration to the roof permitted by Classes A, B or C of Part 1 of Schedule 2 of the Order shall be constructed on the existing building or the new buildings.

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.

Officers Report for KET/2019/0385

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

3.0 Information

Relevant Planning History

KET/2019/0194: 2 no. dwellings. Withdrawn

KET/2019/0196: Two storey side and single storey rear extension.
Withdrawn

KET/2018/0678: Redevelopment of site to allow 4 no. dwellings. Refused for the following reasons:

1. The proposed development would represent overdevelopment of the site and appear cramped and out of character to the streetscene. The increase in the height of the ridges of the proposed dwellings in order to accommodate 3 storeys, coupled with the change of the design of the roof from half-hipped roof would introduce a bulk and massing which would be out of character with the streetscene. The introduction of the roof dormers would be dominant alien features of the terraces and would be out of keeping with the character of the immediate vicinity. Therefore the proposal would be likely to have a detrimental impact upon the character and appearance of the streetscene which would be contrary to Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

2. The proposed development which has no parking provision for 4 dwellings would result in the intensification of parking within the street. Therefore the proposal would be likely to have a detrimental impact upon highway safety which would be contrary to Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

KET/2018/0262: Redevelopment of site to allow 4 no. dwellings. Refused for the following reasons:

1. The proposed development would represent overdevelopment of the site and appear cramped and out of character to the streetscene. The proposed siting of the dwellings would alter the established building line within the street. The increase in the height of the ridges of the proposed dwellings in order to accommodate 3 storeys, coupled with the change of the design of the roof from half-hipped roof would introduce a bulk and massing which would be out of character with the streetscene. The introduction to the roof of dormers would be dominant alien features of the terraces and would be out of keeping with the character of the immediate vicinity. Therefore the proposal would be likely to have a detrimental impact upon the character and appearance of the streetscene which would be contrary to Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

2. The proposed development would result in the intensification of parking to the front of the street and would create inadequate vehicular and pedestrian intervisibility from the parking spaces onto Oxford Street. The proposed development would provide unsafe access to and egress from the site for the increased level of vehicle and pedestrian movements that this proposal would generate. Therefore the proposal would be likely to have a detrimental impact upon highway safety which would be contrary to Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

Site Visit

Officer's site inspection was carried out on 27/06/2019.

Site Description

The application site lies within a residential street located near the town centre of Kettering and is situated on the south western side of Oxford Street. The site consists of one dwelling and a garage.

The surrounding properties are primarily large deep two storey Victorian terraced dwellings. Facing materials of the dwellings surrounding the site include brick, render and pebbledash.

There are significant ground level changes sloping down Oxford Street.

Proposed Development

It is proposed to construct 2 no. semi-detached dwellings and to extend the existing dwelling on the site.

The existing dwelling is proposed to be extended by a two storey side/rear extension and single storey rear extension. The two storey side/rear extension would measure 5.8m deep by 3m wide and a maximum height of 7m. The single storey rear extension would measure 2.5m deep by 6.7m wide and a maximum height of 3.7m. The two chimneys on the existing dwelling would be removed. There would be additional/revised windows on all elevations of the existing dwelling. The front entrance doors would be reconfigured.

Each of the proposed 2 dwellings would measure 5.4m in width, 11.4m in depth and the maximum height would be 7.7m to the ridge and 5.3m to the eaves.

The differences in this application from the refused application KET/2018/0678 for the proposed new dwellings within the site are:

- The reduction of total number of dwellings from 4 to 3 within the site; consisting of 2 new dwellings and an extended existing dwelling
- The proposed new dwellings would be semi-detached with hipped roofs rather than terraced dwellings with pitched roofs
- The proposed width of the new dwellings would be increased from 4.9m to 5.4m

- The proposed depth of the new dwellings would be slightly increased from 11.1m to 11.4m
- The proposed maximum height of the new dwellings would be significantly decreased from 9.8m to 7.7m at the ridge height
- The proposed new dwellings would have no dormer windows or velux roof lights to the main roof on the front or rear elevations
- The proposed dwellings would each have 2 velux roof lights on ground floor roof
- The proposed windows on the front elevation of the new dwellings would be larger, the proposed bay windows would project closer out to the streetscene and there would be an additional window on the front elevations
- The proposed new dwelling would have no canopies above the front door
- The proposed brick detailing would be in different locations on each of the proposed new dwellings
- The proposed rear elevation of the new dwellings would consist of larger ground floor window and larger patio doors
- Reconfiguration of the front gardens and pathways for each proposed new dwelling
- Reconfiguration of the bin area
- There would be provision of parking to the rear of the site.

The proposed layout Plan No. 19-002-19A illustrates 2 no. parking spaces for each of the three dwellings to the rear of the site. Adequate rear garden for the existing dwelling is retained. Each new dwelling will have a rear garden containing a bike store. To the rear of the site there is a refuse store to serve all three dwellings.

Any Constraints Affecting the Site

Nene Valley NIA Boundary

4.0 Consultation and Customer Impact

Environmental Protection Officer

No objection, subject to conditions on contaminated land, method statement for the removal of asbestos and working hours for construction and informatives on acoustic separation, asbestos and radon.

Neighbours

There were objections received from 3 neighbouring properties. The objections concerned:

- Due to the close proximity to dwellings in Carlton Street there are concerns of loss of privacy and overshadowing to these properties;
- Dwellings would be in close proximity to outbuildings on Carlton Street so there would not enough space for a ladder for maintenance;
- Dwellings would be in close proximity to back of outbuildings in Carlton Street so the digging of the foundations could damage the outbuildings;

- Loss of wildlife;
- Increase in traffic congestion;
- Highway safety concerns with inadequate access from a concealed entrance to parking area;
- Lack of parking in the area already so this will worsen the situation;
- Parking to the rear would cause pollution and increase in noise to properties on Carlton Street;
- Concern of noise from contractors;
- Concern of removal of asbestos in the existing garage.

5.0 Planning Policy

National Planning Policy Framework

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 1 – Presumption in favour of Sustainable Development

Policy 4 – Biodiversity and Geodiversity

Policy 5 - Water Environment, Resources & Flood Risk

Policy 6 - Development on Brownfield Land

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

Emerging Policies (Local Development Framework)

Site Specific Part 2 Local Plan

SPGs

Sustainable Design SPD

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 character of the area

3. Impact upon neighbours amenity and amenity to the future occupiers
4. Access, movement, parking and connectivity
5. Contaminated land
6. Nene Valley Nature Improvement Area

1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently comprises the adopted North Northamptonshire Joint Core Strategy and saved policies of the Kettering Borough Local Plan 1995.

Saved Policy 35 of the Kettering Borough Local Plan states that planning permission will normally be granted for proposals for residential development within the Town boundaries where the proposal is compatible with other policies and proposals in the Plan.

The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and then the open countryside.

The application site lies within the designated town boundary of Kettering, albeit just outside the town centre boundary, and residential development is considered appropriate, in accordance with Policies 8, 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS).

Policy 11 of the North Northamptonshire Joint Core Strategy directs development towards the Growth Town of Kettering. Policy 29 of the North Northamptonshire Joint Core Strategy asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development and extensions to residential properties 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 of existing or future occupiers and the highway network. These matters are considered further below.

The proposed development is located within the designated town boundary of Kettering and some form of residential development on the site is considered appropriate. The proposed residential development and extensions would be acceptable in principle, subject to complying with other policies as considered below within the report.

2. Design and character of the area

Section 12 of the National Planning Policy Framework requires good design from development proposals. Policy 8 d) (i) of the North Northamptonshire Joint Core Strategy requires development to respond to the site's immediate

and wider context, to be of a high standard of design and landscaping, and development to respect and enhance the character of its surroundings.

Oxford Street has a traditional Victorian character with primarily large deep two-storey terraced dwellings. This application would ensure the proposed dwellings would be in line with the neighbouring property, No.39 Oxford Street so it would be in keeping with the established building line of the streetscene.

There are significant ground level changes going down Oxford Street so the proposed dwellings would appear higher than the dwellings on Carlton Street but lower than the adjacent property, No.39 Oxford Street. The existing dwelling would retain the maximum height of 7m and the two proposed dwellings would have a maximum height of 7.5m but given the lower ground level and half-hipped roofs on the two new dwellings the proposed dwellings would not appear much higher than the existing dwelling so would be acceptable in terms of impact on the character of the streetscene.

The proposed brick detailing on the front elevation of the two proposed new dwellings would add interest to the design of the proposed dwellings. The proposed windows would be similar in size to windows on other properties within the streetscene. There is a condition for samples of proposed materials to ensure it would be in keeping with the streetscene. The general appearance of the proposed dwellings from the street is considered to be sympathetic to the mixture of house types in the locality.

Policy 9 of the North Northamptonshire Joint Core requires new development to incorporate measure to ensure high standards of resources and energy efficiency and reduction in carbon emissions. This includes measures which limit water use to no more than 105 litres/person/day. A condition is attached.

The existing dwelling at No.41 Oxford Street proposes two storey side/rear extensions and single storey rear extension. There would be removal of the chimneys on the dwelling but these are not characteristic on all dwellings in the locality so the loss would be acceptable. The front elevation of No.41 would largely remain the same as existing so therefore there would be no adverse harmful change within the streetscene resulting from the proposed extensions. The proposed windows would be similar in size to windows on other properties within the streetscene. The proposed reconfigured entrance would not be out of keeping within the streetscene. There is a condition for the proposed materials for the extension to match the existing dwelling to ensure it would be in keeping with the streetscene.

There are trees within the site but given they are not significant species worthy of Tree Preservation Order and the site is not within the Conservation Area so therefore the loss would be acceptable.

The proposed two new dwellings and the proposed extensions to the existing dwelling on the site is not considered to impact adversely upon the character

of the local area to any significant extent and is in accordance with Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

3. Impact upon neighbours amenity and amenity to the future occupiers

Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy requires new development to not have an unacceptable impact upon the amenities of neighbours or the wider areas as result of noise, smell, loss of light or overlooking among other factors.

The existing dwelling, No.41 Oxford Street would be the nearest dwelling to the neighbouring property, No.39 Oxford Street. No.39 is set further back than No.41. The proposed extension to the existing dwelling would have a separation distance to the neighbouring dwelling of 7.4m, in which there is a garage on the common boundary at No.39. The proposed new first floor side window facing No.39 would serve the upstairs landing and shall be conditioned to be obscure glazed and non-opening to prevent loss of privacy. The proposed side window serving the dining room to the rear is high level window and the other ground floor side windows would serve secondary rooms. There would be a condition to ensure there is adequate boundary treatment to ensure there would be no loss of privacy. Given the separation distance and proposed conditions there would not be an overbearing impact, significant loss of light or overlooking to the occupiers of No.39.

There are no proposed side windows on the new dwellings that would face No.41 Oxford Street and as the proposed dwellings are set away at a reasonable distance from the adjacent dwelling then there are no concerns with respect to a loss of privacy to this neighbouring property. However, the proposed relationship between the new dwellings and No.41 is only acceptable if the proposed extension to No.41 is built, therefore a condition is proposed to ensure this extension is completed first.

The separation distance from the rear of the proposed dwellings to the flats No's.42-47 Windsor Gardens would be a similar distance away as the existing house at 21.2m. The windows facing the site are secondary windows and there is already mutual overlooking at first floor level from existing windows.

The separation distances between the proposed new dwellings and the dwellings on the opposite side of the street (No's 46-58 Oxford Street) would be 11m. Given the proposed dwellings are set further back in the site than the existing dwelling then the existing mutual overlooking of front gardens would not be worse than the existing situation.

With regards to the dwellings on Carlton Street (No's 38-50) which have the rear elevations fronting the site there would be separation distances between the dwellings of 8-9m. There are outbuildings nearest to the site along Carlton Street which help to reduce the overbearing impact on the proposed development. There are no proposed side windows and as the proposed dwellings are set away at a reasonable distance from the adjacent dwelling, there are no concerns with respect to a loss of privacy to this neighbouring property. Given the separation distance and outbuildings in Carlton Street,

there would not be a significant level of overshadowing to warrant refusal of the application.

Occupiers of neighbouring properties are concerned with maintenance of the outbuildings in Carlton Street but that would be a civil issue and therefore this is not a reason for refusal of the application. Given the separation distance then it is unlikely there would be concern regarding the foundations on the outbuildings but this element could be considered by Building Control.

As the proposed development is in a residential area there would be a condition to ensure reasonable working hours on the redevelopment of the site in order to respect the amenity of the surrounding residential properties. The proposed development would have adequate internal bedroom spaces and adequate external amenity space for the future occupants. Given the new properties are proposed to be semi-detached, there would be an informative on acoustic separation on dwellings, as recommended by the Environmental Protection Officer.

There are adequate proposed bin facilities to the rear of the site. Full details of the bin facilities and management of the collection of bins are conditioned.

Given the concerns regarding potential of asbestos at the site, a condition for a method statement in respect of removal of asbestos at the garage is attached as recommended by the Environmental Protection Officer.

It is therefore considered that the proposed development is in accordance with Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy in that the new development and extensions at the existing dwelling would not result in an unacceptable impact upon the amenities of neighbouring properties and to the future occupants.

4. Access, movement, parking and connectivity

Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy requires development to make safe and pleasant streets by ensuring a satisfactory means of access and provision for parking, serving and manoeuvring.

The site is located adjacent to the town centre and would be accessible by walking, cycling and buses. The proposed development would provide an adequate 2 parking spaces for each property from an existing access.

There are adequate proposed cycle facilities within the rear garden of each of the proposed new dwellings.

There would be adequate provision of parking and the proposed development would not prejudice highway safety so therefore the proposed development would comply with Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

5. Contaminated land

Due to the underlying geology present throughout Northamptonshire, a full ground investigation will be required to prevent unacceptable risks to future occupants of the site, which could be secured via condition as recommended by the Environmental Protection Officer. There would also be an informative on radon as recommended by the Environmental Protection Officer. Subject to the condition regarding unsuspected contamination, the proposal is considered acceptable in terms of risk of contaminants and in accordance with the NPPF.

6. Nene Valley Nature Improvement Area

The application site is within the Nene Valley Nature Improvement Area boundary, however, the application site is in an established residential area and the proposed scheme is on an already developed site. The site is outside the conservation area and there are no TPO's so therefore the loss of the fruit trees within the rear garden of the site would be acceptable. There is no evidence that the development proposed will have any adverse impact on the existing wildlife and it would not cause an adverse impact to the Nene Valley in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

Conclusion

Subject to the attached relevant conditions, the proposal complies with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Natalie Westgate, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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