

BOROUGH OF KETTERING

Committee	Full Planning Committee - 24/09/2019	Item No: 5.5
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2019/0452
Wards Affected	Slade	
Location	Adelaide, 28 Orchard Estate, Pytchley	
Proposal	Full Application: Demolition of bungalow and erection of 2 no. semi-detached dwellings	
Applicant	Mr T Lousada Glanmoor Investments Ltd	

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 detailed 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 shall take place until a plan showing details of existing and intended final ground and finished floor levels 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: Finished Floor Levels are necessary prior to commencement to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to demolition a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan 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 occur 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. 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. The development shall not proceed above slab level until a detailed scheme of the trees shown on approved Location Plan KET/2019/0452/3B along the western boundary, which shall specify species, planting sizes, spacing and numbers of trees to be planted has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall involve the provision of trees at a planting height of at least 2m and capable of growing to at least 4m in height. The approved scheme shall be carried out prior to first occupation. The approved trees which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The trees shall be allowed to grow to a height of no less than 4m and retained at least at that height thereafter.

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

7. The development shall not progress above slab level until details of the types and colours of all external facing and roofing materials to be used (including the extent of the render) and details of the hard-surfacing materials 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: In the interests of the visual amenities of the area in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

8. No works shall proceed above slab level until full details of all windows, doors (including their surrounds), porch, rooflights, chimney, verge detailing and rainwater goods 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: In the interests of visual amenity in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

9. The development shall not proceed above slab level until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details, which shall remain in place thereafter.

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.

10. The development shall not be occupied until a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained has been submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

11. The parking spaces shown on approved block plan drawing KET/2019/0452/3B shall be provided and made available for use prior to first occupation of the dwelling to which it relates and shall be permanently retained and kept available for that purpose.

REASON: To ensure adequate on-site parking provision 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.

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. All dwellings shall be constructed to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 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).

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy 2016.

14. All new dwellinghouses shall be constructed to meet M4(2) Accessible and Adaptable Dwellings of schedule 1 part M of the Building Regulations 2010 (as amended) unless otherwise approved in writing by the local planning authority.

REASON: In the interests of ensuring that the development caters for both the current and future needs of the population and in the interests of sustainable development in accordance with Policy 30 of the North Northamptonshire Joint Core Strategy 2016.

15. 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 upper floor side elevation of the building at any time without the grant of planning permission.

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/2019/0452

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

3.0 Information

Relevant Planning History

KR/1960/0140 – Housing site for six bungalows – APPROVED – 01/02/1961

Site Visit

Officer's site inspection was carried out on 19/07/2019

Site Description

The 0.035ha rectangular site consists of a 1-bed detached flat-roof bungalow and associated parking and garden and forms part of a wider six bungalow 1960's development known as 'Orchard Estate' ("The Estate" ') with access via a private drive taken off Stringer's Hill to the to the south-east.

The surrounding area is predominately residential with the Village Primary School to the west with paddock land to the south beyond 26 Stringer's Hill. There is a fall in land levels down to the south and from the west do to the east.

The site is located within the built extent of the village and its Conservation Area.

Proposed Development

The application seeks full planning permission for demolition of the existing bungalow and erection of a pair of semi-detached two-bed dwellings.

Pre-application

The site was subject to two rounds of pre-application advice in relation to re-development of the site for two dwellings.

The pre-application advised that the basic tenet of developing the site for housing was acceptable with detailed recommendations given as to the preferred design approach and consideration of residential amenity and highway issues. It was also advised that development of the site should be mindful of how the wider site may be developed in the future.

Whilst the application was submitted with near full regard to the pre-application advice the opportunity was taken during the course of the application to secure relatively minor improvements to the design. In addition, the provision of trees along the boundary with the school have been shown to be proposed in amended plans.

Any Constraints Affecting the Site

Within conservation area

4.0 Consultation and Customer Impact

Pytchley Parish Council: No comments received at the time of writing this report

KBC – Environmental Protection Department: No objection subject to the imposition of conditions requiring control to working hours, approval of a construction/demolition method statement and an unexpected contamination condition.

Neighbours: Three letters of objection received from nearby occupiers; summarised grounds:

- The proposed dwellings vary from those within the surrounding estate with the two-storey design not in-keeping
- The view for people on the High Street will be spoilt
- The other bungalows in the Estate may also be subject to re-development in the future with this proposal representing a precedent making the Estate more noticeable
- Increased nuisance caused as a result of high number of residents
- Increase traffic and population within the village which has no bus service, amenities or jobs
- The proposed homes will be for private market rent and not sale and therefore will not create a 'stable' community
- The existing bungalow could be re-built with modern materials
- Loss of light and privacy toward houses in High Street

In addition, the School have provided the following '*comments*': '*Our concern being that a two-storey building would overlook the school's playground which would raise concerns of a safeguarding nature*'

Officer Comment: In direct response to the comments received from the School the planting of 2m high trees have been proposed along the boundary with the school capable of growing to 5m in height.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

1. Presumption in favour of sustainable development
2. Historic environment
6. Development on brownfield land and land affected by contamination
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

Saved Policies in the Local Plan (LP) for Kettering Borough

RA3. Rural Area: Restricted Infill Villages

Other documents:

Pytchley Conservation Area Appraisal (adopted 02/05/1984)

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are: -

1. The principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety
5. Impact on flooding and drainage
6. Impact of possible ground contamination
7. Impact on biodiversity
8. Sustainable buildings
9. Response to objectors

1. The principle of the development

The site is located within the confines of a restricted infill village defined by Local Plan policy RA3. The proposal therefore is consistent with Joint Core Strategy (JCS) Policies 11 and 29 which seek to guide development to existing settlements in the interest of a sustainable pattern of growth and protection of the rural area.

Objectors to the proposal aver that the village has no services and does not have access to public transport. In contrast, whilst the village may not have the number of services associated with larger villages or towns it does have a Primary School, open Public House (The Overstone Arms), children's play area, cricket pitch (including pavilion), All Saints Church and a daily bus service. Thereby the provision of housing within the Village's confines is consistent with development plan policy and would support village services in

a way that promotes sustainable development and helps the vitality of rural communities in-line with advice at paragraph 78 of the NPPF.

As such the principle of the proposal is considered to be acceptable in its broadest terms especially as part of the site is previously developed land. The re-use of previously developed land is encouraged by Policy 6 of the JCS consistent with paragraph 118 of the NPPF. In particular, the existing building on the site consists of a poor standard dwelling with structural and damp issues and thereby the site's redevelopment is inevitable.

To be successful, however the merits of the proposal should be acceptable in all other respects notably including its impact on residential and visual amenity and highway safety. These and any other relevant matters will be considered below in the context of Development Plan policies.

2. Impact on the character and appearance of the area

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to an areas local character and wider context.

In addition, as the site is within a Conservation Area it falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting.

Policy 2 of the JCS, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance heritage assets and their settings.

The application has been accompanied by a proportionately detailed Heritage Statement as required by paragraph 189 of the NPPF.

The site consists of a vacant flat-roof bungalow ('Adelaide') with stone cladding and render facia on a generous plot. The surrounding dwellings were built at the same time in the 1960's, consisting of five bungalows which presumably have been built to a similarly build quality as the application bungalow. The existing dwelling and those surrounding, whilst they have no particular architectural value worthy of retention their modest scale set within a spacious site means that they do not exert a harmful influence in the area and sit comfortably in their context.

The application proposes a pair of modest semi-detached houses set toward the front/eastern extent of the site and involves provision of a style of rural vernacular domestic architectural evident in the area. In particular design cue has had regard to a Grade II Listed Building at Butchers Lane to the south, with the provision of chimney, dormers off the wall plate that break the eaves and window detailing. The proposal together with the inclusion of a lightweight open porch and landscaped frontage are considered to represent a good

quality design and layout which has taken the opportunity to available to raise the standard of design more generally in the area; an approach consistent with paragraph 127 and 131 of the NPPF.

A condition shall be attached requiring approval of architectural detailing which shall seek a traditional approach to the eaves, verge and guttering system including a rise and fall bracket system and clipped eaves to the gables. In addition, the provision of render facia, particularly to the front and southern elevations may be more suitable in a good quality red-stock brick, which can be dealt with via a materials condition.

The objectors consider the proposal to deviate from the established built form and design of the Estate and that a precedent would be established if approved and consider this to have a negative impact. Every application should be considered on its own merits, however, in this case it is sensible to consider that an approval on this site would influence re-development of the surrounding bungalow sites.

In response; it is considered that as the surrounding five bungalows are in the same ownership future proposals within the Estate can reasonably be expected to be informed by the high-quality design approach adopted here. Moreover, this scenario is further likely to play-out given the built standards of the bungalows within the Estate. It is Officers view that development of the estate over-time could reflect a farm-stead layout including, for instance, a farmhouse and converted stables with this proposal akin to farm workers dwellings. As such and on this occasion, precedent is not considered to be a fear as to how surrounding land could be developed but more an opportunity to develop the Estate site in a way that raises standard of design in the locality. In particular this approach would have an enhancing effect to viewpoints experienced from Butchers Lane to the south where the site is seen from an elevated position.

Consequently, the proposal constitutes a sensitive form of development that sits comfortably within the streetscape and its surrounding context, subject to the imposition of the outlined conditions, and also preserves the significance of the conservation area. As such the proposal is considered to be acceptable in this regard.

3. Impact on residential amenity

The JCS in Policy 8 (e) consistent with NPPF paragraph 127 (f) seeks development to protect the amenity of all future and surrounding users of land and buildings.

To deal with matters relating to the School first; the application land drops slightly from the School boundary of the site down to the existing foundation slab where the proposed dwellings are proposed. The boundary of the site with the Schools outside play area consists of a 1.8m closed board fence. The two upper floor windows of the proposed dwellings are approximately 23m from the School boundary. The applicant proposes to plant native trees to the School boundary with a planting height of 2m and capable of growth up to 5m

in height. Such arrangements are not considered to give rise to safeguarding issues and is a fairly common relationship scenario in relation to Schools in residential areas with no reason to believe otherwise. The precise number of trees to be planted and their retention/ replacement to an allowed growth height of no less than 4m shall be secured by condition.

Moving on to matters relating to residential amenity. Due to the siting, orientation, proximity and relationship of the proposed dwellings to surrounding property and their windows, together with the relatively low-profiled nature of the dwellings the development would not result in adverse impacts to surrounding dwellings by virtue of loss of privacy, light loss or loss of outlook. The submitted light survey (taken in mid-April throughout the day) is demonstrative of this view.

In particular, the adjacent bungalow to the north at 30 Stringer's Hill has its primary habitable room windows directly facing the side elevation of the proposal. However, the proposal has a relatively modest built form and scale with a narrow two-storey deep-plan form (6.6m) and low ridge height (6.8m) and sits on land that is 1m lower with a separation distance of approximately 7.5m. This arrangement and relationship would not have a harmful impact toward residential amenity experienced at 30 Stringer's Hill. A condition shall be attached preventing the insertion of windows in the upper floor side elevations of the proposed dwellings.

It is noted that occupiers in the High Street dwellings to the north, beyond 30 Stringers Hill have opposed the proposal on ground of loss of privacy, light and view. Taking 'view' first; it is enshrined within planning law that right to a view is not a material consideration. As such this is not considered. Nevertheless, given the drop in levels of the site from High Street toward the site and the modest ridge height and scale of the dwellings proposed any impact on views of the Paddock and Butchers Lane, which is elevated, would likely see only minor change. Similarly, given the difference in levels, modest scale of the proposal and with separating property and a separating distance of at least 30 between the rear elevation of High Street houses and the proposal there is not considered to be an adverse impact to High Street residents. Moreover, the closest garden land serving a High Street dwelling is associated with 17 High Street however the upper floor rear facing windows proposed are oblique to the shared boundary and would not afford direct views toward the rear parts of the neighbour's garden. The proposal therefore would not have an adverse impact to neighbour's residential amenity including toward their rear garden land.

Finished floor levels and boundary treatment shall be required for approval in a condition. In addition, and consistent with the recommendations of the Council's Environmental Protection Department and due to the residential nature of the surrounding area a condition restricting hours of construction work and the requirement for the approval of a demolition and construction method plan shall be attached.

There is no reason to believe that the domestic activity associated with this residential development would lead to disturbance or otherwise give rise to such levels of noise that would cause an adverse impact to surrounding residential amenity.

The relationship of dwellings within the development is considered to ensure an appropriate level of residential amenity for future occupiers and includes good-sized outside space. The internal spaces of the dwellings comply with Nationals Space Standards as required by Policy 30(b) of the JCS.

Thereby the proposal, subject to imposition of the conditions discussed, is considered to secure a good quality of life for existing and future occupiers consistent with Policy 8 (e) of the JCS and therefore is acceptable in this regard.

4. Impact on highway safety

The JCS in Policy 8 (b) seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

The application proposes space for three off-road parking spaces per dwelling with visitor parking available on the wide stretch of private drive close to the highway access. The use of the highway access would intensify through the movements associated with the provision of one additional dwelling.

The addition of these movements to the local road network is not considered to give rise to highway safety concerns especially given that the width of the private driveway back of the Highway is over 6m and thereby allows for opposing vehicles to pass one another. Moreover, the visibility and arrangements at the highway access are good with no reason to believe that the proposal would have an adverse impact to highway safety. The parking areas shall be conditioned to be retained for the purposes of parking a vehicle as other than at the access to the Estate parking at some points within the shared access driveway may be a nuisance to other users.

The existing arrangements for refuse collection and emergency vehicle access would appear to operate and be available without issues with no reason to suppose that these arrangements would not continue.

The proposal therefore is considered to be acceptable in this regard.

5. Impact on flooding and drainage

Policy 5 of the JCS says development should contribute toward reducing the risk of flooding and protection of the water environment.

The site is located within a low-risk flood area (flood zone 1), is significantly under the size threshold where a Flood Risk Assessment would be required and there is no reason to believe that the site or the area is prone to localised flooding. The amount of surface water run off created would not be

significantly greater than existing arrangements and thereby would not cause harmful impacts in this regard.

In addition, there is no reason to believe that the existing foul drainage capacity could not cope with the additional connectors proposed. As such the proposal is considered to be acceptable in this respect.

6. Impact of possible ground contamination

Policy 6 of the JCS seeks development to be safe in this respect.

The Council's Environmental Protection Department recommends the imposition of an unexpected contamination condition to deal with this matter. As such subject to the imposition of that condition the proposal has the appropriate safeguards in place and is acceptable in this regard.

7. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.*

The site comprises a property in a fair state of repair (despite its structural failings) with no roofspace and associated garden land enclosed by residential curtilage and school grounds. As such there is no reason to believe that the site is subject to protected species. Thereby the proposal would not have an adverse impact to biodiversity.

8. Sustainable buildings

Policy 9 of the JCS seeks development to incorporate measures to ensure high standards of resource and energy efficiency. Policy 30(c) of the JCS requires new dwellings to meet Category 2 of the National Accessibility Standards as a minimum.

Subject to the imposition of appropriate conditions to ensure that the dwellings employ measures to limit water use to no more than 105 litres per person per day and to comply with the mentioned Accessibility Standards the proposal is considered to be acceptable in this regard.

9. Response to objectors

The issues of the third parties with respect to the impact of the proposal to highway safety, visual and residential amenity (including nuisance caused by future occupiers), precedent and the 'in principle; acceptability of the proposal are discussed above. And is considered to be acceptable on these matters.

The reason for objection raised with respect to whether or not there is an alternative form of development that would be preferred is not a basis whereby

this application may be unsuccessful as this proposal is the one that has been submitted for consideration, not an alternative. The dwellings proposed are market homes and thereby whether or not they will be made available for sale or rent would not fundamentally change the acceptability of the proposal as they would be available for habitation in a way that benefits the future occupiers and the village.

The additional issue highlighted by the objectors with regard to loss of view (where there is no demonstrable impact on residential amenity) is not material planning consideration and therefore is not relevant in the decision-making process.

As such the proposal is considered to be acceptable in these regards with no persuasive evidence provided that would justify a different approach on these matters.

Conclusion

In light of the above the application is considered to comply with the Development Plan with no other material considerations or persuasive evidence coming forward that would justify coming to an alternative view. Thereby the application is considered to be sustainable development and therefore consistent with paragraph 11 of the NPPF should be approved without delay. As such the application is recommended for approval subject to the imposition of the safeguarding conditions laid-out.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: