

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 24/09/2019</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Collette Panther Assistant Development Officer</b>	<b>Application No: KET/2019/0475</b>
<b>Wards Affected</b>	<b>Barton</b>	
<b>Location</b>	<b>135B Barton Road (land adj), Barton Seagrave</b>	
<b>Proposal</b>	<b>Full Application: 1 no. dwelling with associated landscaping</b>	
<b>Applicant</b>	<b>Mr M Telford</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 in the table below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

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

4. 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 Classes A or 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.

5. 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 building hereby approved 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.

6. Prior to first occupation of the dwelling 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 shall be 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 8 of the North Northamptonshire Joint Core Strategy.

7. No development shall take place until a plan prepared to a scale of not less than 1:500 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: 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 Core Spatial Strategy.

8. Prior to the first occupation of the development hereby approved, details of refuse storage and collection facilities shall be submitted to and approved in writing by the Local Planning Authority and shall remain in that form in perpetuity. REASON: In the interest of public health and safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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.

10. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time

whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

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

11. The dwelling shall be constructed to achieve a maximum water use of no more than 110 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 9 of North Northamptonshire Joint Core Strategy.

12. Before the development hereby permitted is first occupied or used, space for the parking and manoeuvring of vehicles, including the garage, shall be provided within the site in accordance with plan no. 1764/P2/05A received by the Local Planning Authority on 11/07/2019 and shall thereafter be retained in that form for such purpose in perpetuity.

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

13. Any gates provided at the point of access to the site 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.

14. Existing visibility splays at the junction of the access road with the public highway shall be permanently kept free of all obstacles to visibility over 0.6 metres in height above carriageway level.

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

## **Officers Report for KET/2019/0475**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2017/0638 – Outline: 1 no. bungalow and detached garage – Approved 27/10/2017

KET/2002/0210 – Two no. detached houses – Approved 21/05/2002

#### **Site Visit**

Officer's site inspections were carried out on 06/08/2019 and 09/08/2019.

#### **Site Description**

The application site is currently split in half – one half is garden land to 135b Barton Road whilst the other half is separated from the garden by a 1.8 metre high close boarded fence and has a detached double garage sited on it. The site is located within an established residential area to the east of Kettering and is currently owned by 135b Barton Road, an exceptionally large plot comprising a prodigious modern two-storey detached dwelling built circa 2002 which is one of a pair of spacious plots located behind 135 Barton Road. Access to the site is via an existing 65+ metre long private driveway. The site and both of the existing dwellings sit on the same land level which is approximately 1.5 metres lower than the main section of Barton Road, to the east of the application site.

At the time of the Officer's site visit a fence and double garage were in situ on part of the application site.

The wider area is characterised by a mix of bungalows and two storey dwellinghouses which are generally detached in type and set back from the highway in a slightly staggered arrangement with reasonably consistent spacing between. Those in the immediate vicinity are set on particularly large plots. Boundary treatment to the highway on Barton Road comprises a mix of vegetation and low height wall. Topography of the land on the adopted highway known as Barton Road is level and the land to the west slopes down to approximately 1.5 metres lower.

#### **Proposed Development**

This application seeks full planning permission for 1 no. dwelling with associated landscaping.

#### **Any Constraints Affecting the Site**

None.

### **4.0 Consultation and Customer Impact**

A site notice was displayed within the vicinity of the application site on 06/08/2019.

### **Barton Seagrave Parish Council**

*Objection* received on 12/08/2019, summarised below:

- Not in keeping with surrounding properties due to size and overdevelopment of the area
- overbearing to existing properties
- shared access drive is questionable for increased vehicle movement.

### **Environment Protection Officer**

Comments advising the following conditions are imposed on any approval received 26/07/2019:

- Working house for construction
- Unexpected contamination
- Radon

### **Neighbours**

Comments of support received from 135 Barton Road on 01/08/2019.

No objection received from Cllr Roberts (no address stated on the email of representation) on 14/08/2019.

## **5.0 Planning Policy**

### **National Planning Policy Framework 2019 (NPPF)**

Policy 2. Achieving sustainable development

Policy 5. Delivering a sufficient supply of homes

Policy 8. Promoting healthy and safe communities

Policy 9. Promoting sustainable transport

Policy 11: Making effective use of land

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy 2016 (NNJCS)**

Policy 1: Presumption in favour of Sustainable Development

Policy 4: Biodiversity

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 11: The Network of Urban and Rural Areas

Policy 15: Well-Connected Towns, Villages and Neighbourhoods

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 with Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The principle of development
2. Design and impact on the street scene
3. Impact on residential amenity
4. Highway safety
5. Sustainable buildings
6. Contaminated land
7. Impact on flooding and drainage
8. Biodiversity

### **1. The 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.

The application site is located in an established residential area to the south-east of Kettering town centre in Barton Seagrave, within Kettering Town Boundary as required by Saved Policy 35.

Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct the majority of development to existing urban areas and indicate that Kettering as a Growth Town will be the focus for infrastructure investment and higher order facilities to support all elements of development.

Policy 8 of the North Northamptonshire Joint Core Strategy (NNJCS) is supportive of new residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

As a result, subject to detailed consideration being given to the impact of the proposed development having an acceptable impact on the character and appearance of the area and residential amenity, in conjunction with ensuring its compliance with National & Local policies, the principle of development for this proposal is established subject to the satisfaction of the development plan criteria.

### **2. Design and impact on the street scene**

Policies 8 and 12 of the NPPF requires development to be *well-designed* and *safe, healthy, inclusive* environments, these are echoed by respective Policies 8(d) and 8(b) of the NNJCS which require new development to *respond to the site's immediate and wider context and local character* and to *make safe and pleasant streets and spaces*.

The northern section of Barton Road, between Cranford Road and Warkton Lane, presents a slightly staggered row of dwellings characterised by a mix of house types which presents a variety of scales, heights and sizes.

The proposed dwelling is located within an existing and established area of back land development which is set over 2 no. sites – this area which is behind 135, 137 and 141 Barton Road and Grendon Drive which is adjacent to the north. There are 2 no. existing dwellings in this section of back land development which are set on larger than average plots. The plot on which this proposed dwelling would be set would result in 3 no. dwellings of a similar combined floor area located on similar sized large plots. As a result, it is considered that the proposed development would respect the character and scale of its immediate surroundings and would therefore sit comfortably within the grain and pattern of existing development.

The proposed dwelling would have a limited presence within the public realm on Barton Road due to its single storey height of approximately 4-4.5 metres, flat roof, the 1.5 metre lower land level on which it would be set and the resulting visibility of the dwelling within the street scene which would, furthermore, be largely obscured by the form of existing neighbouring dwelling 135 Barton Road. In any case, the single storey height would be akin to 133 Barton Road and other surrounding bungalows on Barton Road which would tie and relate the height and appearance of the proposed dwelling to the existing street scene.

Paragraph 131 of the NPPF requires *great weight to be given to innovative designs which promote high levels of sustainability* under which this scheme falls to be considered due to the fact the design of the proposed dwelling has achieved International Passivhaus status for a low carbon producing and low energy consuming dwelling (lower than the current building regulation requirements in the UK) which invariably requires particular design features to achieve, detailed further in section 5 below. As a result, although the proposed dwelling would occupy a 'horseshoe' footprint different to the surrounding dwellings, it is considered that the scheme accords with Paragraph 131 of the NPPF in that it is highly sustainable and of innovative design which is necessarily and appropriately alternative to existing dwellings in the immediate and wider vicinity. Furthermore, it is considered that the proposed dwelling would contribute positively to the mix of design, and character and appearance, of dwellings in the area through innovative design solutions. In addition, to further respect the character of the area, it is considered that the proposal presents a dwelling set on a proportionately sized plot which would be in keeping with the character of this small area of back land development.

The proposed materials comprise a mix of Weberpral M render in 'Granite Grey' and Equitone 'Pictura' cladding in 'Porcelain' and 'Moonstone' to the external walls, under a grey single ply membrane roof with EcoHaus SW Ltd grey (HFM02 Matt - RAL 9007) aluminium 'Internorm' triple glazed windows. The pallet of materials on Barton Road is varied with red brick, buff brick, red roof tiles, grey roof tiles and a variety of light coloured render. The proposed materials are considered to form an integral part of the design and functionality of the dwelling and would add an appropriate variety of colours, textures and types to the existing mixed pallet of materials currently seen in the street scene. As a result, it is considered that the proposed materials would aid cohesion of the proposed dwelling to its surroundings thereby resulting in a suitable appearance which would complement the surrounding area and which would not adversely affect the character and appearance of the immediate and wider locality.

In any case, in the interests of ensuring development is appropriate for its setting and to protect neighbour amenity, it is considered reasonable to impose the following conditions:

- Permitted Development rights removed for Classes A and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015,
- all external facing and roofing materials to be submitted and approved in writing by the Local Planning Authority (LPA),
- details of proposed soft and hard landscaping,
- details of proposed boundary treatment, and
- details of proposed bin storage.

Furthermore, as the Council have not sighted any proposed materials and the appearance of the building is largely subject to such detail, it is considered reasonable to impose a condition requiring materials to be submitted and approved in writing by the Local Planning Authority

Overall, and subject to a condition requiring the proposed building to be built with those materials specified within the application, the proposal accords with Policies 8(d) and 8(b) of the North Northamptonshire Joint Core Strategy in that the new development responds to the site's immediate and wider context and local character.

### **3. Impact on residential amenity**

Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to protect *quality of life and safer healthier communities* by ensuring new development *does not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.*

The proposed building would be set approximately 25 metres to the west of the nearest neighbouring dwelling, 135b Barton Road, approximately 35 metres south-west of 135a Barton Road and at least 1.5 metres lower combined with at least 50 metres east of the neighbouring dwellings on Barton Road. As a result, due to the single storey height of the proposed

building along with the separation distance to neighbouring properties, the lower land level and the way in which the sun rises and sets, the proposed dwelling is considered to ensure that amenities to all neighbouring properties would be respected and remain unharmed by loss of light, loss of privacy or overbearing development.

However, in the interests of ensuring neighbour amenity is not compromised in the future, it is considered reasonable to impose a condition requiring existing site levels and proposed finished floor levels to be submitted and approved in writing by the LPA.

Due to the location and size of the proposed dwelling the proposed development is considered to accord with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon amenity to neighbouring properties.

#### **4. Highway safety**

Policy 8(b) of the North Northamptonshire Joint Core Strategy requires new development to have a *satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards*, and not to have an adverse impact on the highway network nor *prejudice highway safety*.

Barton Road is a classified A road therefore, the prevailing character of the area is for off-street parking. The proposed site plan demonstrates that this could be achieved with 2 no. garage spaces and at least 2 no. driveway spaces in front.

The proposed access is via a private drive off Barton Road, in between Nos. 133 and 135, which is an existing arrangement currently serving 3 no. dwellings - 135, 135a and 135b Barton Road. This additional 1 no. proposed dwelling would bring the total number of dwellings served by this access to 4 no. During the officers site visit it was noted that visibility splays were present and, at that time, were free of obstacles over 0.6m height. Furthermore, the driveway is block paved for approximately the first 65 metres from the adopted highway on Barton Road which ensures no debris is likely to spill onto the highway. As a result, the existing access which is proposed to serve the additional 1 no. proposed dwelling is considered to accord with the Local Highway Authority (LHA) Standing Advice and is therefore considered to be acceptable in this respect.

With respect to parking provision, the proposal comprises an attached double garage, which measures 6.2 metres width x 7.1 metres length thereby exceeding the minimum measurements set out by the LHA Standing Advice, and driveway in front which combined would provide in excess of the current LHA standards of 3 no. parking spaces plus 1 no. visitor space for dwellings with 4 no. or more bedrooms.

However, in the interests of ensuring highway safety, it is considered reasonable to impose the following conditions:

- any gates should be hung so as to open inwards to the site,

- visibility splays to remain free of obstacles over 0.6 metres in height, and
- parking provision must be laid out in accordance with the site plan which must be made available for parking prior to first occupation and such provision, including any garage, shall remain in that form in perpetuity.

The existing access arrangements are to remain unchanged by the proposal and it is considered that sufficient off-road parking will be provided by the proposal, as such the proposal is not considered to prejudice highway safety and convenience and is therefore considered to be acceptable in this respect.

## **5. Sustainable buildings**

Policy 9 of the North Northamptonshire Joint Core Strategy states that development should incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. Furthermore, all developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency.

Through the Eco Design Consultants PassivHaus Options Report and the Design and Access Statement (D&A), the applicant has demonstrated that a fundamental element of the buildings design is the incorporation of a high standard of sustainable design solutions which have contributed to being awarded PassivHaus status. This status confirms that the construction, form and orientation of the building have been utilised to maximise their potential in terms of saving energy.

The sustainable design is based on the following three strands, detailed in the D&A:

- Minimise heat loss with super insulation to walls, floors and roof with triple glazing windows in a compact built form
- Minimise ventilation heat loss with a heat recovery ventilation and airtight construction
- Optimise solar gain for winter heat through a passive heating system comprising solar panels which would result in minimal intervention required from mechanical systems.

Solar panels will acquire energy to supply electricity to the dwellinghouse with low energy lighting as well as other functions and an electric charging point installed in the garage.

An air source heat pump will be connected to a water based underfloor heating system which would act as a backup system providing additional heating only when required.

Environmental sustainability is at the heart of this proposal and would result in a carbon neutral building which would optimise use of low use water fittings and rainwater harvesting which will recycle rainwater for all non-potable uses within the house and garden.

In any case, North Northamptonshire is classified as an area of water stress by the Environment Agency therefore, in the interests of respecting this constraint, it is considered reasonable to impose a condition requiring the development to incorporate measures to limit water use to no more than 105 litres/person/day and external water use to no more than 5 litres/person/day.

As such, it is considered that the proposal accords with policy 9 of the North Northamptonshire Joint Core Strategy in that adequate provision for a high standard of sustainable development, resource and energy efficiency is proposed and is therefore acceptable in this regard.

## **6. Contaminated land**

Paragraph 178 of the NPPF requires a site to be suitable for its proposed use taking account of ground conditions arising from any contamination and thereafter any remediation ensuring land is not capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. In addition, due to underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed levels which are considered to be acceptable for residential use.

In accordance with the recommendations of the Council's Environmental Protection Officer the imposition of conditions relating to unexpected contamination and radon are recommended to safeguard the health of future occupants and the ground water supply that may arise from possible contamination. Furthermore, a condition restricting working hours is also recommended to safeguard neighbouring properties from noise pollution.

## **7. Impact on flooding and drainage**

The site is not in a location considered to be at risk of flooding and it is recognised that there is already a double garage, which covers part of the location where the dwelling would be sited, set within the site.

Furthermore, the proposed site plan refers to a permeable driveway, rainwater harvesting system and soakaway. As a result, it is considered that the proposed dwelling would introduce provision of sustainable, environmentally friendly and modern surface water drainage techniques that would be unlikely to exacerbate any flooding or drainage problems that may exist. Therefore, the proposed development accords with Policy 5 of the North Northamptonshire Joint Core Strategy in that it incorporates sustainable methods of surface water dispersal in an area not already at risk of flooding.

## **8. 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.*

Whilst this application has not been accompanied by an ecological survey and the southern part of the site is bounded by a hedge and subsequent field, it is accepted that a large proportion of the southern boundary forms part of an existing manicured residential garden belonging to 135b Barton Road and the other part is occupied by a detached residential garage which is used and associated with 135b Barton Road. All other boundaries to the site bound residential gardens. As a result, and in view of the fact no wetlands are present nearby, the officer is not given any reason to believe that there are any protected species on this site that could be adversely affected by the proposed development.

However, as there is in the interests of prudence and protecting any species that may be present on the site it is considered reasonable to include an informative requiring any tree felling to take place outside of the bird nesting season and any works that take place to comply with British Standards. As such, the proposal is considered to be acceptable in this respect.

### **Conclusion**

Subject to conditions as mentioned in the discussion above, it is considered that the proposal accords with policies set out in National Planning Policy and in the Development Plan and no other material planning considerations outweigh this, therefore the proposed development is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Collette Panther, Assistant Development Officer on 01536  
534316

#### **Previous Reports/Minutes**

Ref:

Date: