

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/02/2020	Item No: 5.5
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2019/0866
Wards Affected	St. Michaels and Wicksteed	
Location	23 Lewis Road, Kettering	
Proposal	Full Application: Replacement dwelling	
Applicant	Mr & Mrs Boateng	

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 in the interest of character and appearance in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. 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.

5. 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 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 and shall remain in that form thereafter.

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

6. No works shall proceed above slab level until full details of all windows, doors (including their surrounds), verge/eaves 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 and remain in that form thereafter.

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

7. The dwelling shall not be occupied until the boundary treatment shown on the hereby approved drawings has been fully implemented in accordance with the approved details, which shall remain in place to the approved heights 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.

8. The parking spaces and garage shown on approved plans shall be provided and made available for use prior to first occupation of the dwelling 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.

9. The landscaping scheme hereby approved 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.

10. 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.

11. The dwelling, hereby approved 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.

12. The dwelling 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.

13. The roof areas of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To protect the amenities of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. There shall be no vehicular access gates provided within 5.5m of highway boundary (including footpath) at any time.

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

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 any elevations of the building at any time without the grant of planning permission.

REASON: To protect the amenities of adjoining property in accordance with Policy 8 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 (As amended) (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration

permitted by Class A, B, C and E of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

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

Officers Report for KET/2019/0866

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

3 Information

Relevant Planning History

KET/2019/0155 – Full Application – Replacement dwelling – REFUSED – 09/05/2019 for the following reasons:

1. *By reason of its design, materials and scale the proposal would result in development incongruous within the area and overdevelopment of a small plot in a prominent location and would be seen a discordant addition to the streetscape harmful to its character and appearance.*
2. *By reason of the very close and undesirable relationship of the proposal with the surrounding School grounds and the provision of facing windows and balconies the development would create mutual conflict between future occupiers of the dwelling and users of the school grounds giving rise to adverse safeguarding and residential amenity issues.*

KET/2017/0952 - Change of use of land from school playing field to residential garden – APPROVED – 15/03/2018

Site Visit

Officer's site inspection was carried out on 18/12/2019

Site Description

The site consists of a flat-roof dark brick bungalow and integral garage with surrounding associated hard-standing and a side piece of former school playing fields which serves as the dwelling's lawn garden separated from the school by closed-board fencing and walls.

The building was formerly associated with Southfield School, probably caretaker accommodation. This link has been severed at some point over the last few years and the property sold to the applicant and thereby Southfield School no longer has ownership of the site or otherwise direct control over its development.

Proposed Development

The application seeks full planning permission for a replacement dwelling, which consists of a contemporary design over two floors under a flat green-roof.

Pre-application Advice

Pre-application advice was given in September 2018 for a replacement dwelling. The applicant was recommended to reduce the height of the proposal “...to a *single storey dwelling or otherwise the possibility of a two-storey dwelling with the lowering of the ground levels indicated may be considered...*” in the interests of character and appearance.

The refused application consisted of a sunken three-storey dwelling and therefore did not take account of the pre-application advice and was refused for the reasons given above.

The 2019 refusal then prompted this amended application with a simpler design approach, reduced scale and greater acknowledgment of adjacent School grounds. Further amendments were sought and forthcoming during this application in response to Southfield School objection. The amendments further reduced the height of the proposal and removed vehicle visibility slots in a side wall and gates at the vehicular access. The application is considered based on these amendments which broadly accord with the original pre-application advice.

Any Constraints Affecting the Site

None

4 Consultation and Customer Impact

KBC – Environmental Protection: No objection subject to the imposition of a construction working hours and unexpected contamination condition.

Neighbours: Two third party letters of objection received; one from Southfield School on the following summarised grounds based on the amendments:

- The height, scale and mass of the building would be dominant in the ‘open’ street scene and taller than the existing
- No access to the green roof for maintenance
- A ‘guest room’ shown on the original plans at ground floor has been changed to an ‘entertainment room’ however the floor area has not change and therefore is overdevelopment
- Poor visibility at the highway access inconsistent with highway standards

In addition, a neighbour opposite at 46 Lewis Road says that ‘bylaws’ exist that precludes facing development having front facing windows. It is stated that the proposal is contrary to this bylaw and is also contrary to the ‘Town and Country Planning Act’.

In response to Southfield School’s initial objection point the applicant provided the following quoted amendments to the application:

- *Roof access for maintenance purposes will be via an internal ladderway via the proposed rooflights over the first-floor landing*
- *The ground floor guest room is replaced and designated as an Entertainment/Cinema Room*
- *The vehicular visibility slots to the boundary wall have been removed from the design*
- *The existing school gates abutting the west boundary are noted and added to both existing & proposed drawings/visuals*
- *The vehicular access gates to proposed dwelling are removed*
- *Finally, we have taken the opportunity to reduce the height of the ground floor storey and reduce the overall height of the proposed development by 300mm*

5 Planning Policy

National Planning Policy Framework (NPPF):

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 12 – Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

- 1. Presumption in favour of sustainable development
- 6. 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:

- 35 – Housing: Within Towns

6 Financial/Resource Implications

None

7 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities

should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

8 Planning Considerations

The key issues for consideration in this application are: -

1. The principle of the development
2. Impact on character and appearance
3. Impact on quality of life
4. Impact on highway safety
5. Other matters
6. Response to objectors

1. The principle of the development

The site is within Town confines defined by Local Plan policy 35. The proposal is thereby consistent with Joint Core Strategy (JCS) Policies 11 and 29 which seek to guide development to Towns in the interest of a sustainable pattern of growth and protection of the rural area. As such the principle of the proposal in this location is acceptable in its broadest terms.

2. Impact on character and appearance

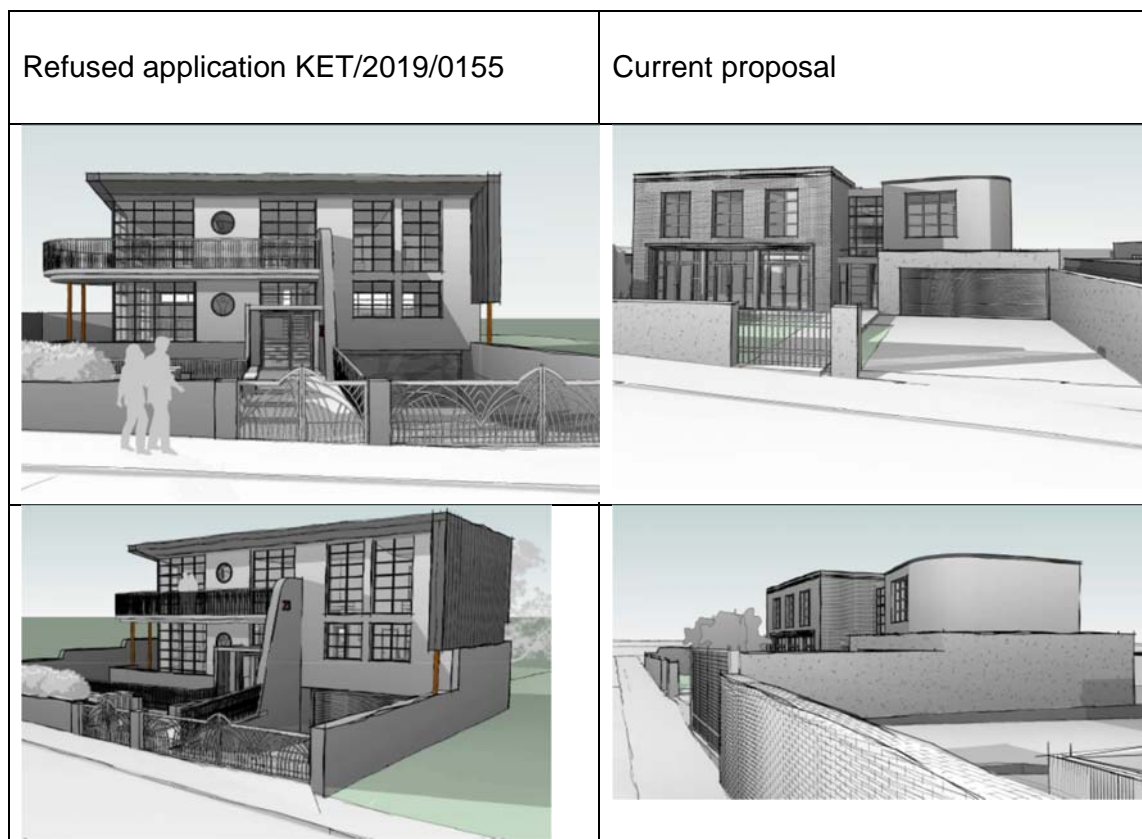
Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to an areas local character and wider context.

The area is characterised by art-deco house designs which notably include two streamline moderne houses at the corner with Pytchley Road. There are few examples of such house types in Kettering and thereby are somewhat unique to the Town. The school playing field provides openness to the area.

The existing building is in a prominent position on the approach along Lewis Road and consists of a utilitarian flat-roof dwelling with little architectural value. The building has a low-profile and does not have a harmful impact to the areas visual amenity and is

read in the context of the school as an associated ancillary building. Although that relationship has been severed.

The refused scheme failed to integrate successfully into the area with its scale considered to be discordant and constituted overdevelopment. To deal with these matters this application has been significantly amended from the refused. Notable amendments include significant reduction of the development's height, scale and massing by proposing a two storey rather than a sunken three storey building and has simplified the design with a flat-roofed brick element and a curved render part. Cues have been taken from 1920's architecture, which is evident in the area. The below shows a 3-D impression of the refused and current applications so that the reader may appreciate how the scheme has evolved to have regard for the refusal:



This proposal consists of an inoffensive simple design and modest scale (helped by its flat-roof design) with interest added by curvature and crittall style windows. This prospect would sit comfortably on the site and its immediate surroundings and wider context. The proposal is not considered to be overdevelopment and would not look out of place with the adjacent functional school buildings.

Yes, the building would be more prominent than the existing building and has a design that does not closely align with the residential buildings opposite however it is considered to have taken the opportunity available to improve the character and quality of the site and the immediate area whilst also fitting in with the overall form and layout

of its surroundings. The design is a departure from standard house designs. But this is in a street that traditionally has had that departure and therefore the proposal has a sympathetic theme that has been inspired from characterful housing evident in the locality. This approach is consistent with paragraph 131 of the NPPF that encourages suitable innovative designs which raise the standards of design in an area. Maintenance of the roof can be achieved by way of access via rooflights proposed in the first-floor hallway. Architectural details and materials shall be required for approval by condition.

Consequently, the proposal is considered to respect the character and appearance of the streetscape and therefore accords with Policy 8(d) of the JCS, consistent with Chapter 12 of the NPPF.

3. Impact on quality of life

Policy 8 (e) of the JCS seeks to protect residential amenity, consistent with paragraph 127 (f) of the NPPF

The proposal has a close relationship with school grounds and the provision of balconies and windows that overlook the school, as with the refused application, is an unwelcome arrangement.

To overcome this previous issue under the refused application this scheme does not include balconies or provision of upper floor windows that overlook school grounds with no upper floor windows other than in the street facing north elevation. Rooflights are proposed in the flat roof. The windows in the rear/south elevation serving the living room and the 'patio terrace' shall not have views over the school grounds by virtue of the provision of a 2.4m high wall on the boundary. This wall shall be conditioned to be in place prior to occupation of the proposal and to remain in that form thereafter.

Moreover, whilst the scheme includes flat rooves it is not the intention for the proposal to have easy access to these areas. To ensure that these arrangements remain for the life of the development conditions shall be imposed to prevent the provision of any additional openings in the building and preventing the flat-rooves from being used as balconies or raised platforms.

As such, the provisions of the proposal together with imposition of the safeguarding conditions discussed means that the development would not have any adverse impact to users of the school grounds.

The proposed building would be 24m from the closest residential neighbour at 44 and 46 Lewis Road directly opposite the site and to the north. This separation distance is enough to ensure that there are no significant impacts to the privacy, light or outlook experienced at those dwellings or toward the proposed house from those dwellings opposite. Any significant impact on neighbours arising from the proposal's construction shall be prevented through provision of a condition restricting working hours as recommended by the Council's Environmental Protection Department.

Turning to discuss impacts to future occupiers' residential amenities. Proposed arrangements with respect to the proximity of the school grounds to the non-associated dwelling would not be dissimilar from the existing situation and therefore the proposal would not result in changes that would cause impacts to future occupiers' amenity that do not already exist. The proposal therefore would not be worsening any existing nuisance or disturbance impacts.

The amount of outside space proposed, whilst limited, is useable and enough subject to imposition of a condition that would remove permitted development rights for extensions and outbuildings. The inside space (201sqm) comfortably accord with National Space Standards (124sqm) and would provide light and airy arrangements for habitable rooms.

Subsequently, the proposal has overcome the issues in the previous refusal with respect impact on the school and therefore together with the imposition of the conditions discussed is considered to respect residential amenity and users of surrounding land and acceptable in this regard.

4. Impact on highway safety

Policy 8(b) of the JCS, consistent with chapter 8 of the NPPF, seeks to ensure a satisfactory means of access and provision of parking.

The proposal makes use of an existing highway access with its arrangements largely unaltered and provides ample off-street for the parking of four cars. A vehicular access gate originally proposed as part of the submission has subsequently been removed and a condition shall be applied to ensure that a gate is not subsequently provided in order to prevent vehicles straddling the footpath whilst the gates are opened or closed. In addition, a condition shall be attached requiring the garage and the parking area to be retained for the use of parking a vehicle, in order to resist on-street parking in an area that experiences significant levels of school associated congestion at certain times of the day.

As such and whilst the amount of habitable accommodation is increasing from the existing the proposal would not give rise to highway safety concerns.

5. Other matters

There is no reason to believe that the proposal would pose an increased flooding risk and any potential ground contamination shall be dealt with through the provision of an unexpected contamination condition.

The proposal would have no adverse impact to biodiversity with the site having limited value in that respect. The provision of the green roof will likely result in a net biodiversity gain.

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 Accessibility Standards the proposal is acceptable in this regard.

6. Response to objectors

Southfield School's concern that the proposal has a dominant scale and mass, is overly high above standard internal ceiling heights, abutting the boundary and therefore, together with the provision of a ground floor 'entertainment room', constitutes overdevelopment has been discussed above in section 8.2. The proposal has been found acceptable on this matter.

The other issues raised by the School include concern regarding poor vehicular visibility at the access causing traffic issues and no access to the green roof. The matter of visibility has been addressed at section 8.4 of the report and internal access to the green roof is possible through a first floor rooflight as indicated on the plans. These matters also are not found to count against the proposal and are acceptable.

The matter regarding 'bylaws' and restrictions in place to prevent windows facing 46 Lewis Road, although no evidence has been provided to that effect, is not a material planning consideration.

Conclusion

Considering the above the application complies 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 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 conditions laid-out.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: