

PLANNING COMMITTEE

Tuesday 26th May 2020 at 6.00pm
www.kettering.gov.uk/youtube

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Working with and on behalf of local people



A G E N D A

1. Apologies
2. Declarations of Interest
 - (a) Personal
 - (b) Prejudicial
3. Any items of business the Chair considers to be urgent
4. Planning Application Reports

Tuesday, 26 May, 2020

No. 4 Planning Application Reports

4.1	KET/2020/0075	AMY	81 Blandford Avenue, Kettering Full Application: Conversion of garage to habitable accommodation and increase roof height Expiry date: 28-May-2020	1
4.2	KET/2017/0459	RJM	Old Cransley Iron Works, Northampton Road, Broughton Approval of Reserved Matters: Appearance, landscaping, layout and scale of Plot E in respect of KET/2013/0827 (7 no. plots for uses B1(Offices), B2 (Industrial), B8 (Storage), C1 (Hotel) and associated car parking) Expiry date: 14-December-2017	7
4.3	KET/2019/0852	GFE	Hanwood Park (Parcels R12, R13 & R14), Westleigh Road (land adj), Kettering Approval of Reserved Matters (EIA): All details in respect of KET/2015/0967 for 241 dwellings Expiry date: 31-May-2020	15
4.4	KET/2020/0087	LJO	18 Elm Road (adj to), Burton Latimer Full Application: 1 no. dwelling Expiry date: 01-June-2020	38

Application Reference Numbers and Expiry Dates in bold type are within the permitted time frame

The Planning Officer's initials are in the third column. For further details please refer to the end of the individual reports.

The membership for this Full Planning Committee is as follows:-

Councillors:- S Stanton (Chair), A Davies (Deputy Chair), J O'Hara, L Adams, C Mitchell, C Moreton, M Rowley, L Thurland, G Titcombe

Substitutes:- Councillors S Edwards, D Howes, I Jelley, A Lee, J West

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 26/05/2020	Item No: 4.1
Report Originator	Amy Shepherdson Development Officer	Application No: KET/2020/0075
Wards Affected	All Saints	
Location	81 Blandford Avenue, Kettering	
Proposal	Full Application: Conversion of garage to habitable accommodation and increase roof height	
Applicant	Ms L Hyde	

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 annexe hereby permitted shall not be occupied other than as part of the single residential use of the dwelling known as 81 Stamford Road and in accordance with the details set out in the approved letter dated 27th February 2020, submitted by Alan J Currall Ltd on behalf of the applicant.

REASON: The site is in an area where new dwellings are not normally permitted in the interests of amenity in accordance with Policy 11 of the North Northamptonshire Joint Core Strategy and to ensure that the development is indeed operated as an annexe

Officers Report for KET/2020/0075

This application is reported for Committee decision because the applicant or agent is a member of KBC staff.

3.0 Information

Relevant Planning History

KET/1972/0464	APPROVED	30-06-72	81 Blandford Avenue, Kettering Northamptonshire	Private garage and store
KET/1977/1177	APPROVED	01-11-77	81 Blandford Avenue, Kettering Northamptonshire	Erection of rear extension
KET/1988/0149	ZAC	11-03-88	81 Blandford Avenue, Kettering Northamptonshire	Rear first floor extension
KET/2014/0741	APPROVED	22-12-14	81 Blandford Avenue, Kettering Northamptonshire	Single storey rear extension

Site Visit

Officer's site inspection was carried out on 06/03/2020

Site Description

The application site is located in an established residential area to the north of Kettering.

The dwelling house was built in the 1940s/1950s and is a two-storey pebbledash render covered building with red brick detailing and a concrete tile gable roof, symmetrical about a central front door. There are ground floor bay windows either side of the front door with a canopy above and there are chimney stacks at both ends of the ridge of the gable roof. The windows and doors have been replaced with white PVCu.

There is a single storey rear extension which runs along the rear elevation and is attached to a flat roofed two-storey extension.

There is a small front garden bounded on all sides by a low brick wall and to the rear the back garden is bounded by a single detached garage to the east with the remaining boundary treatment being 1.8 metre high wooden panel fencing.

There are bungalows on both sides of the application site. The dwelling house is attached to the bungalow to the west and is separated from the bungalow to the east by a driveway and a garage which is set back from the building line. The single garage and outbuilding to the rear are constructed with a flat roof and a mix of natural and painted brickwork.

Surrounding development is a mixture of single and two-storey detached and semi-detached dwelling houses built piecemeal from the early turn of the 20th century to date.

Proposed Development

This application seeks planning permission for the conversion of the garage to habitable accommodation and alteration to the external appearance of the garage including a small increase in height of the roof.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Notification letters were sent out to neighbours in close proximity and a site notice was erected at the site; no responses were received.

5.0 Planning Policy

National Planning Policy Framework

Section 1- Introduction

Section 2- Achieving sustainable development

Section 4- Decision-making

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 8 North Northamptonshire Place Shaping Principles

Policy 11 The Network of Urban and Rural Areas

Saved Policies in the Local Plan for Kettering Borough

Saved Policy 35. Housing Within Towns

6.0 Financial/Resource Implications

None

7.0 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.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Design, character and appearance
3. Residential amenity
4. Parking

1. Principle of development

It is proposed to convert an existing outbuilding and garage into habitable accommodation which will effectively form an annexe for the applicants' elderly relative. The location of the annexe would be within the domestic curtilage and involves an existing building and therefore it is intended that the use of the structure would be ancillary to the main dwelling house.

The place making principles outlined in Policy 8 of the North Northamptonshire Joint Core Strategy 2011–2031 state that development should ensure quality of life and safer and healthier communities by protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The Development Plan seeks to resist an annexe from becoming a self-contained dwelling, separate and apart from the original dwelling house. Its use as a separate dwelling would be contrary to Policy 5 of the National Planning Policy Framework which resists inappropriate development in residential gardens. As such this proposal is only supported by the Development Plan if it is an annexe ancillary to the main dwelling.

Characteristically, an annex is connected to a parent dwelling to allow for its fully functioning use, as it cannot function as a separate dwelling. The annex should be well related to the main dwelling and be maintained as such. In this case the annexe would form part of the same "planning unit" by sharing the same access, parking area and garden of the existing dwelling. It would be located to the rear and within the residential curtilage of the host dwelling. However, the annexe would be fully

self-contained enabling it to operate as a separate unit and therefore a statement has been sought and provided by the applicant stating that the purpose of the annexe is to provide for the future care and support of the applicants elderly father.

In the interests of prudence, a condition restricting the use of the annexe to being ancillary to the main dwelling should be applied to any consent granted, and this is considered sufficient to ensure that this proposal will not conflict with Policies within the Development Plan.

The principle of development is therefore met subject to the material considerations as detailed below.

2. Design, character and appearance

Policy 12 of the NPPF requires development to be of a good design; Policy 8(d)(i) of the JCS requires new development to respond to the site's immediate and wider context and local character.

The proposed conversion would not alter the size of the existing garage and outbuilding and the only change in character would be a small increase in height from approximately 2.6m to 2.7m and alterations to the windows and doors on the north, west and east facing elevations. The proposed external alterations are detailed in matching brickwork with white uPVC, both of these materials will sit comfortably with the surrounding built form.

The proposal accords with Policy 8(d)(i) 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. Residential amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The proposed change in height of the garage/outbuilding is approximately 10cm and as such is not considered to lead to a loss of light to neighbouring properties. Further to this all windows proposed are internally facing and will not impact the privacy of neighbouring occupiers.

It is considered that the development would not have a detrimental impact upon residential amenity and therefore accords with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy.

4. Highways and Parking

The proposed development converts the existing garage to habitable accommodation and a garage/store to the front behind a roller door.

The garage does not currently appear to be used for parking and the site has hard standing of approximately 11.5m in front of the garage for 2 tandem parking space and unrestricted road parking.

This is considered to not further exacerbate the existing situation and to be acceptable to accommodate a dwelling of this size. As such the proposal is not considered to impact highways safety in accordance with Policy 8 of the Joint Core Strategy.

Conclusion

Subject to conditions relating to the annex's usage it is considered that the proposal complies with policies within the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Amy Shepherdson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

BOROUGH OF KETTERING

Committee	Full Planning Committee - 26/05/2020	Item No: 4.2
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2017/0459
Wards Affected	Slade	
Location	Old Cransley Iron Works, Northampton Road, Broughton	
Proposal	Approval of Reserved Matters: Appearance, landscaping, layout and scale of Plot E in respect of KET/2013/0827 (7 no. plots for uses B1(Offices), B2 (Industrial), B8 (Storage), C1 (Hotel) and associated car parking)	
Applicant	St Francis (Kettering) 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 not be carried out other than in accordance with the approved plans and details below.

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

2. The access, parking and manoeuvring areas shown on the approved plan shall be completed and made available for use prior to the occupation of the units they serve and shall be retained thereafter and kept available for such purposes.

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

3. Before any external plant is used on the development hereby approved a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

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

Officers Report for KET/2017/0459

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

3.0 Information

Relevant Planning History

KET/2013/0827: Outline planning permission granted for 7 no. plots for uses B1, B2 (Industrial), B8 (Storage), C1 (Hotel) and associated car parking. Approved on 18/06/2014.

KET/2010/0717. Renewal of Extant Permission KET/2006/0193 (Redevelopment site to provide for uses B1, B2 (Industrial), B8 (Storage), C1 (Hotel), car parking, landscaping, nature area and alterations to access). Approved 27/01/2011

KET/2006/0193. Redevelopment site to provide for uses B1, B2 (Industrial), B8 (Storage) C1 (Hotel), car parking, landscaping, nature area and alterations to access. Approved 28th January 2008. This was an outline application with access considered at that stage with all other matters reserved for later approval. Approved 29/1/2008.

Wider Site

KET/2019/0903 Erection of 5 no. units (B1, B1c, B2 and B8) with associated works. Approved 12/03/20

KET/2017/0402 Erection of single storey restaurant/cafe. Approved.

KET/2015/0911 Erection of 5 no. units (B1, B1c, B2 and B8) with associated works. Approved 22.03.16

Site Visit

Officer's site inspections were carried out in June 2017, October 2019 and March 2020.

Site Description

The parcel of land subject to this Reserved Matters planning application, known as Plot E, is vacant with the land having been remediated and stripped ready for development. With an approximate net area of 0.55 HA it is situated in the south-eastern portion of the overall development site and is bounded by the A43 to the south, the A14 to the east, substations and a balancing pond to the north and a retained public bridleway to the west of the application site.

This application relates to a parcel of land towards the front of the wider site which falls within the area covered by the original outline consents but outside of the area Approved through the 2015 full planning permission.

Development of the 5 no. commercial units approved through the 2015 full planning application and revised through KET/2019/0903, to allow completion of off-site highway works, is nearing completion.

Proposed Development

The application seeks reserved matters consent for 5.no commercial units which fall within Planning Use Classes B1 (business) and B2 (general industry).

Any Constraints Affecting the Site

- Bridleway GG2 runs through the site.
- Site was contaminated due to its industrial past and use as a scrap yard.

4.0 Consultation and Customer Impact

Cransley Parish Council

No comments

Northamptonshire Police

No objection and have recommended that crime prevention measures are incorporated within the development.

Highway Authority

Cannot support the application due to a deficit in the level of parking against parking standards with respect to vehicles, cycle and HGV.

NCC Lead Local Flood Authority

Request that they are consulted on the discharge of condition 16 of the outline which requires the submission and approval of surface water drainage details.

NCC Ecological Advisor

Recommendations for the planting mix included within the landscaping plans has been provided.

Environmental Protection

No comments or objection

Neighbours

11 comments from 9 properties have been made raising concerns regarding:

- Increased traffic and the negative impact on surrounding area
- Sound, light and air pollution
- Concern regarding the lack of a service road and parking for residents of adjacent properties at Furnace Cottages that was to be provided through KET/2015/0911.

5.0 Planning Policy

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Delivering a strong competitive economy

Section 12 Achieving well designed places

Section 11 Making effective use of land

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

North Northamptonshire Joint Core Strategy Policies (JCS):

1. Presumption in favour of sustainable development
3. Landscape character
4. Biodiversity
5. Water environment, resources and flood management
6. Development on brownfield land and land affected by contamination
8. Place shaping
9. Sustainable buildings
10. Provision of infrastructure
11. Network of urban and rural areas
19. Green infrastructure
22. Delivering economic prosperity
23. Distribution of new jobs
24. Logistics
26. Renewable and low carbon energy

Emerging Policies (Local Development Framework)

Site Specific Part 2 Local Plan

6.0 Financial/Resource Implications

None

7.0 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.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Character and appearance
3. Residential amenity
4. Landscaping
5. Highways
6. Impact on flooding and drainage
7. Impacts of possible contaminated land
8. Impact on biodiversity
9. Impact on existing infrastructure
10. Conditions and other matters

1. Principle of Development

The site has outline permission for commercial and leisure development comprising B1 (business), B2 (Industrial), B8 (Storage), and C1 (Hotel) uses and associated works through KET/2013/0827, which resubmitted identical approved schemes submitted in 2006 and 2010.

This application accords with that outline approval and its conditions and is submitted within the timescales prescribed. The deadline for submission of reserved matters has now past and this will therefore be the only detailed scheme coming forward via the original outline scheme.

The application has been delayed due to off site highway works around junction 8 of the A14 which will provide pedestrian and cycle connectivity with Kettering which needed to be agreed before this reserved matters application could be determined, as required by condition 8 of the outline approval. Agreement has now been reached with Highways England and the Local Highway Authority which will see the proposed works completed by the end of 2020.

The principle of commercial development is established for this site. The following considerations focus on the impacts of the reserved matters of appearance, landscaping, layout and scale and any other relevant matters.

2. Character and appearance

Policy 8 (d) of the JCS seeks development to respond to local character, which is consistent with policy 12 of the NPPF in achieving well designed places.

As the site has outline commercial approval and 5 no. commercial units have been subsequently constructed on site through KET/2015/0911 any absolute harm that the development would have to the site and to its surroundings have been assessed and considered to be acceptable.

The layout of the scheme builds on the existing development on the wider site and is envisaged to provide 5 no. commercial units which fall within Planning Use Classes B1 (business) & B2 (general industrial). The buildings will combine manufacturing/assembly with associated ancillary office based functions and such

employment based activities are considered wholly appropriate for this locality, being directly adjacent to the wider road network.

Unit 5A, 5B, 5C and 5D provide 1160 sq m of floorspace with eaves height at 6.5m and ridge height of 8.9m. Unit 6 to the south provides 348 sq metres with eaves height at 6.5m and ridge at 8.9m.

The limited height of the development proposed provides a low-density introduction to the site when viewed at medium and long distance from Kettering to the east, across junction 8 of the A14. This design approach is consistent with the outline scheme which proposed lower height development to the south of the wider site, closest to the A43 and neighbouring residential properties at Furnace Cottages and more significant built form to the north.

The buildings have been designed to sit comfortably within the wider site utilising consistent materials and sympathetic architectural details to provide a cohesive design when considered against the existing buildings recently completed on the wider site. The overall approach seeks to provide a clean, crisp functional design and a restricted palette of materials and colours to help limit the perceived mass of these types of building and ensure that they do not quickly date. Simple design details such as shadow recesses and subtle changes in surface texture are incorporated where necessary to improve proportion and give variety and rhythm to elevations.

A courtyard configuration has been utilised whereby the buildings sit on the perimeter of the site to screen the operational elements and ensure that key views from the A43, junction 8 of the A14 and the bridleway to the west of the site have visual interest. This together with areas of tree and shrub planting have been introduced to soften the development and provide natural screening to the proposal.

It is considered that subject to conditions, a high-quality scheme can be achieved on site that would accord with the place shaping principles established through policy 8 of the North Northamptonshire Joint Core Spatial Strategy.

3. Residential amenity

Policy 8 (e) of the JCS seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Due to the proximity, orientation and relationship of the proposal to neighbouring dwellings the proposal would not result in an adverse impact to neighbours as a result of loss of light, privacy, outlook, overbearing impacts or noise. In particular the nearest adjacent neighbours at Furnace Cottages are in excess of 220m south west from the site and therefore ample distance to ensure acceptable levels of amenity for neighbouring occupiers.

A Noise Assessment was submitted with the scheme and the Councils Environmental Protection raise no objection to what is proposed. The assessment highlights the need consider the impacts of any future external plant and therefore it is considered prudent to impose a safeguarding condition preventing external plant until a noise mitigation scheme, in respect of that plant, has been approved.

Any impacts arising from construction of the site will be short-lived over the lifespan of the permission with any serious harm prevented through the approved specified construction hours on the outline approval. As such the proposal is considered to be acceptable in this regard.

4. Landscaping

The landscaping scheme includes the retention of some existing specimens together with new trees and shrubs to soften the overall development define spaces, separate uses and articulate exterior space. The planting list has been produced which includes native species and a variety of specimens to add variety and vibrancy across the site.

The quantity, location and variety of specimens proposed through the submitted landscaping details, together with condition 22 of the outline regarding landscape management and maintenance, will ensure that the site is integrated into the surrounding landscape characterised by its edge of town location.

5. Highways

Policy 8(b) of the JCS, requires development to have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adoptable standards and to resist development that prejudices highway safety.

The approach route to the proposed development utilises the existing estate roads providing vehicular access to the north east of the site of an appropriate width and radius to avoid conflict between vehicles.

The Local highway Authority (LHA) have stated that they cannot support the scheme due to a deficit in the level of parking against parking standards with respect to vehicles, cycles and HGV.

There is space allocated within the service area for the parking of a range of operational vehicles from small vans to rigid lorries. There are 31 staff and visitor parking spaces of which 2 are allocated for use by the less abled. This is 1 vehicle space below the parking standards recommended by the LHA which have not been adopted by the Local Planning Authority. The parking spaces were increased in size during the application process to reflect current parking standards, with the courtyard layout of the scheme providing additional informal parking areas if required. as is apparent within most commercial estates. 10 covered cycle spaces are included close to the building entrance and overall, there is considered to be sufficient parking provision.

In conclusion it is considered that the proposed internal access arrangements and parking provision will raise no adverse highway safety implications and the scheme is thus in accordance with the requirements of policy 8 of the North Northamptonshire Joint Core Strategy.

6. Impact on flooding and drainage

Flooding and drainage was considered at outline stage and Anglian Water, Environment Agency and the Lead Local Flood Authority have no concerns on these

matters subject to relevant conditions attached to the outline approval being satisfied. As such the proposal is considered to be acceptable in these regards.

7. Impacts of possible contaminated land

As above this issue is satisfactorily addressed through the imposition of conditions on the outline approval with no change of approach by the Council's Environmental Protection Officer here.

8. 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.*

These impacts were considered in the outline consent with a number of conditions attached to ensure that the proposal is implemented in accordance with the approved ecological survey and the prior approval of a lighting scheme (condition 24).

9. Impact on existing infrastructure

These issues were considered in the outline approval and found to be acceptable.

10. Sustainability

Policy 9 of the JCS seeks non-residential development in excess of 1000 square metres to achieve BREEAM very good or equivalent, maximise passive solar design and enable access to or the provision of sustainable sources of energy.

The proposal seeks to limit its environmental impacts and accord with the principles contained within the BREEAM scheme as set out at the outline stage. The applicants have submitted a low or zero carbon feasibility study which assesses how the building can incorporate renewable technologies dependant on the nature of individual users of the units to achieve a minimum carbon reduction (against residual emissions) of 10% through renewable technologies in line with condition 33 of the outline (granted whilst the Core Spatial Strategy 2008 was in place).

Conclusion

In light of the above the proposal complies with Development Plan policy and the principles of the NPPF. As such and with no other material considerations that would justify a different view the application is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Richard Marlow, Senior Development Officer on 01536 534316

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 26/05/2020	Item No: 4.3
Report Originator	Gavin Ferries Senior Development Officer	Application No: KET/2019/0852
Wards Affected	Ise Lodge	
Location	Hanwood Park (Parcels R12, R13 & R14), Westleigh Road (land adj), Kettering	
Proposal	Approval of Reserved Matters (EIA): All details in respect of KET/2015/0967 for 241 dwellings	
Applicant	Mr P Shah BDW Trading 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. This consent relates to the amended and approved plans identified in the schedule below;

REASON: in order to define the plans to which this consent relates.

2. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting that Order (with or without modification) no rear or side extensions, additional openings or outbuildings or structures shall be erected, created or inserted in to any of the following plots; 8,9, 31,32, 43, 44,183-216, 245, 303 and 306-319.

REASON: To protect the amenity and privacy of the future occupiers of the proposed adjacent properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Prior to the first occupation of any of the properties hereby permitted, construction and lighting details including timeframe for completion and opening to the public of the footway/cycleway located along the eastern boundaries as shown on the approved plans Site Layout R14 112H received 09/03/20 shall be submitted and approved in writing by the Local Planning Authority. The footway/cycleway shall be constructed and opened in accordance with the approved details and thereafter be maintained in accordance with the approved details.

REASON: In the interests of sustainability in accordance with achieving sustainable Development in accordance with the overriding principles of the National Planning Policy Framework and the North Northamptonshire Joint Core Strategy.

4. Prior to the commencement of any works including any tree felling, tree pruning, demolition works, soil moving, temporary access construction/widening, or any operations involving the use of motorised vehicles or construction machinery on the development parcels covered by this consent (R12, R13 or R14) the tree and hedgerow protection fencing shall be erected in the accordance with the positions shown within the Tree Protection Plan drawing number 9280-T-03 contained with the FPCR David Wilson Homes (South Midlands) Kettering (Phase 2) Arboricultural Method Statement October 2019 and thereafter maintained and retained until the completion of the development parcels. No activities including the storage of materials, shall be undertaken in these areas at any time.
REASON: To protect the health and stability of the trees to be retained on the site in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the commencement of any works in relation to the pedestrian connection between Westleigh Road and the parcels hereby approved or the commencement of any construction works in relation to any of the following plots 236-245, 303, 304, 351-355, 316 and 339 full details of the proposed pedestrian link between Westleigh Road and the development including tree protection measures and precise path alignment, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of any of the aforementioned plots.
REASON: In the interests of sustainability and the protection of the trees in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and policies 8 and 9 of the National Planning Policy Framework.

6. Notwithstanding the details within the submitted drawing Soft Landscape Proposals - Warkton Gardens (South) GL0024 24 dated 17/02/2020, instead of the proposed tree species Himalayan Birch (TP5 *Betula utilis jacquemontii*), Silver Birch (*Betula pendula*) shall be planted in the identified locations and instead of the proposed Norway Maple (Tp2 and Tp3 *Acer platanoides*), field maples (*Acer campestre*) shall be planted.
REASON: In the interests of biodiversity and reflection of local ecological distinctiveness and native species in accordance with policies 8 & 9 of the North Northamptonshire Joint Core Strategy.

7. The Warkton Gardens South open space shall be laid out and planted including the play equipment within the LEAP and open for use prior to the occupation of the 122nd dwelling hereby permitted.
REASON: In the interests of ensuring a timely delivery of the open space.

8. Notwithstanding the submitted plans, prior to construction of building above damp course on any of the following plots; 173-191, 191-209, 206-216, 245, 303-319 & 319-338, full planting details for the hedgerow (including trees) improvement on the boundaries for all of the aforementioned plots shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any of these plots and all hedges and trees shall thereafter be maintained to the heights identified in the scheme, unless the prior written approval of the Local Planning Authority is received to remove any of the trees or hedging.
REASON: The protected former field boundary hedgerow including its trees has been removed and/or cut back without permission, to the extent that it no longer provides the same level of biodiversity, green infrastructure or amenity value and it is required to be reinstated

and maintained. In the interests of biodiversity, ecology and amenity in accordance with policies 4 & 8 of the North Northamptonshire Joint Core Strategy and policy 16 of the National Planning Policy Framework.

9. Prior to the first occupation of any of the plots 230-235 inclusive, details of vehicular gates to be erected to restrict access to the parking court serving these plots, shall be submitted to and approved in writing by the Local Planning Authority. These gates shall be erected prior to the first occupation of any of these plots and thereafter maintained in accordance with the approved details for the lifetime of the development.

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

10. The window at first floor level on the north facing side elevation of plot 191 shall be glazed with obscured glass. The window shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking.

Officers Report for KET/2019/0852

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

3.0 Information

Relevant Planning History

KET/2015/0967 (Variation and removal of conditions from permission no. KET/2013/0695 (relating to various aspects including code for sustainable homes, lifetime homes, district centre and highways) of Hanwood Park development incorporating up to 5,500 dwellings, schools, district and local centres, healthcare, employment, formal and informal open space including playing facilities, roads and associated infrastructure) **approved** 22/11/2018

Associated NMAs to KET/2015/0967 in relation to M4(2) housing standard being required.

KET/2013/0695 Variation and removal of conditions in relation to outline application KET/2008/0274 (tranche 2) **approved** 13/10/2014

KET/2008/0274 5,500 dwellings and related development **approved** 01/04/2010

Adjacent Parcels

KET/2017/0071 All reserved matters for Parcels R7, R9 & R10 (325 dwellings – revised reserved matters) **approved** 11/05/2018

KET/2019/0782 All reserved matters for Parcels R8 & R11 (125 dwellings) **approved** 19/03/2020

Site Visit

Officer's site inspection was carried out on 13/12/2019

Site Description

Hanwood Park (Kettering East) is an area of 328.5 hectares to the east of Kettering and Barton Seagrave. Hanwood Park is positioned adjacent to existing development on the town's eastern edge, bounded by the A14 trunk road to the south and open countryside to the north and east.

This application relates to residential parcels R12, R13 & R14 and Warkton Gardens South which are located adjacent to the recently constructed parcel R10 which is accessed from the Warkton Lane/Deeble Road/Sulgrave Street roundabout.

Proposed Development

This application seeks reserved matters approval for 241 dwellings, the landscaping details for Warkton Gardens South (lozenge shaped open space) and the north-south footpath to the east of parcel R14.

Any Constraints Affecting the Site

EIA development

Planning conditions and approved documents under the outline permission KET/2015/0967

4.0 Consultation and Customer Impact

Important note re changes to application

The initial submission showed a non-enclosed area of varying widths between the boundary of the existing dwellings on Ridgway, Westleigh and Poplars Farm Roads and the proposed new dwellings. Whilst this land was within the application site it was mistakenly shown as being outside of the gardens of the new dwellings. This resulted in numerous concerns being raised during the application from both residents and consultees, particularly in relation to crime risks. Although this matter was resolved relatively early in the application process, this is a recurrent issue throughout the comments.

This area has been referred to as ransom strips, buffer zones, boundary strip within the comments. The area is shown on the strategic masterplan, however, it is shown as retained existing structural planting on the masterplan and its retention is required primarily in relation to ecological and biodiversity matters.

Crime Prevention Design Advisor:

The initial comments raised substantial crime and safety objections to the gap between the existing houses and the new dwellings.

Subsequent comments

R12 & R13

- Parking court (plot 230-235) lacks surveillance from active rooms
- Query as to road width being able to accommodate on street parking on both sides on main internal road – tandem parking may result in on street parking which is potential safety issue and cause of neighbour disputes. May also cause issues regarding emergency vehicle access.

R14

- Concern re tandem parking on the main Central Avenue and along central internal parcel road.
- Southern boundary – boundary of dwellings and communal space requires dense landscaping strip. This will prevent unwanted through access and help protect the dwelling fence line.

Officers note: in respect of the southern boundary comment, the development is offset from the southern boundary due to unknowns regarding the plans for the adjacent DC1 & R17 parcels. However, there is existing and protected hedge in this location.

Northamptonshire Highways: list of highways standards provided.

Natural England: no comments

Environmental Protection: no comments including on the Construction Environmental Management Plan

County Archaeology: Archaeological evaluation undertaken in 2012 by Oxford Archaeology East identified areas of Roman and Iron Age settlement within the East of Kettering Area as a whole. The evaluation identified no archaeological remains within parcels R12, R13 & R14. Therefore no further comments.

Environment Agency: The application is supported by a statement confirming it has been designed in accordance with the approved stage 2 FRA. The site is not within the floodplain. According we have no comments.

Lead Local Flood Authority: notes absence of Drainage Strategy as part of reserved matters application and therefore unable to comment on Surface Water Drainage matter.

Officers Comment: the surface water drainage has been approved in relation to the larger Hanwood Park development site including attenuation ponds and surface water drainage routes.

Highways England: no comment

Anglian Water: no comment

Northants Fire and Rescue Service: general guidance given following comments;

- The minimum width of the roads should be 3.7m,
- Any turning circles between kerbs should be 15.7m
- The road carrying capacity should be a minimum of 15 tonnes to accommodate a Northants Fire and Rescue Service pumping appliance
- Access to the furthest point of any building from the road should be no more than 45m.

Officer's Comments: noted and conditioned as appropriate.

Neighbour and public comments

13 objections letters were received from 9 properties

33 Poplars Farm

35 Poplars Farm x2

38 Poplars Farm

5 Westleigh Road x2

7 Westleigh Road x2

8 Westleigh Road

9 Westleigh Road

10 Westleigh Road x2

15 Westleigh Road

The objections cover the following points;

- The strip of land between the new and existing properties (see note)
- Removal of buffer zone and size of (see note)
- Overlooking from the new properties
- Height of boundary fence adjacent to property (No.35 Poplars Farm)
- Light pollution
- Headlights impact from new road
- Tree and hedge planting arrangements particularly on boundaries
- Parking on existing roads
- Impact on residential amenity including noise
- Overshadowing
- Character -compared to existing housing area
- Children riding bikes and playing ball games – causing noise

- Housing density of properties adjacent to existing area
- Hedgerow protection
- Protection of existing trees at the end of the Westleigh Road
- Insufficient trees proposed

There were also objections related to the following which cannot be considered in relation to the reserved matters.

- Insufficient dog poo bins
- Having a pedestrian access from Westleigh Road into the development – particular concern re parents and pupils of the proposed primary school
- The provision of a housing estate next to Poplars Farm Road which is an established peaceful prestigious residential area in an established quiet rural area
- The use of Poplars Farm Road for the construction of the parcels

These are addressed in order below;

Dog poo bins are not controlled via planning.

Pedestrian access from Westleigh Road was approved as part of the outline consent and therefore only details of the pedestrian access can be considered as part of the reserved matters.

The housing on the parcels relates to the principle of the development which already has approval cannot be considered under the reserved matters.

Poplars Farm Road is not proposed be used for the construction route. However, this will be subject to a separate application in relation to the construction management plan. Not for approval as part of the reserved matters application.

There were also highways related questions which covered land outside of the reserved matters application site;

- What works are proposed to the unadopted section of Poplars Farm Road?
- Can signage be posted at the junction of Poplars Farm Road with Warkton Lane to advise no access to Hanwood Park?
- Can resident's parking restrictions on Poplars Farm Road, Ridgway Road and Westleigh Road be applied?

Officers Comment: these matters are all within the control of the Local Highways Authority as fall outside of the development site and within existing highway land. These matters have been raised with the relevant sections of the Local Highways Authority and the main site promoters.

1 letter of support was received from Sulgrave Street supporting the expansion of the developments.

2 comments were received relating to boundary types and access to/from the existing roads from 39 Peveril Street and 40 Poplars Farm Road.

Officer's comment: address within the report

Comments were also received in relation to;

- the speed of David Wilson and Barratts Home staff driving on Sulgrave Street; and
- the position of the bus stop on Sulgrave Street

Officer's comment:

The speed issue has been raised separately outside of this application and is being addressed by David Wilson Homes.

The Sulgrave Street bus stop has already been constructed and is not within the application site, so its position cannot be considered as part of this application.

5.0 Planning Policy

National Planning Policy Framework:

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
8. Promoting health and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-design places
15. Conserving and enhancing the natural environment

North Northamptonshire Joint Core Strategy

- Policy 4 Biodiversity and Geodiversity
- Policy 7 Community Services and Facilities
- Policy 8 North Northamptonshire Place Shaping Principles
- Policy 9 Sustainable Buildings
- Policy 10 Provision of Infrastructure
- Policy 30 Housing Mix and Tenure

6.0 Financial/Resource Implications

S106 on outline – roof tariff related to private market houses

7.0 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.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Compliance with the outline permission
2. Design
3. Residential amenity (existing dwellings)
4. Residential amenity (proposed dwellings)
5. Highways
6. Landscaping including play area
7. Other matters

1. Compliance with the outline permission

The most relevant and recent outline permission covering the Hanwood Park development site is KET/2015/0967. The outline permission allows for the delivery of dwelling houses on parcels R12, R13 & R14 as they are defined as being residential parcels within the approved documents and requires the delivery of open space on Warkton Garden South.

The outline permission requires compliance with various technical documents including the approved surface water drainage strategy & the approved stage 2 flood risk assessment both of which are identified as being complied with by the submitted statements of conformity. There is also a requirement for compliance with more design based elements of the approved documents such as the design code which are subject to more consideration in relation to the reserved matters aspects and are less technically prescriptive.

It is noted that the main divergence from the outline permission to this reserved matters application, is the lesser number of houses proposed within these parcels. The land use schedule assumed 156 dwellings on R12, 74 dwellings on R13 & 65 dwellings on R14 whereas the application seeks 143 dwellings on R12, 50 dwellings on R13 and 45 dwellings on R14. The drop in number is partly due to the requirement for all dwellings to meet Nationally Described Space Standards and the requirement to meet M4(2) accessibility standards and partly due to the parcel sizes being smaller than previously envisaged.

Specific questions were raised in relation to the development density across the parcels. The approved density plan relates to net dwelling density, which was defined at the time within PPS3 as;

Net dwelling density is calculated by including only those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children’s play areas, where these are provided.

For comparison, the current application proposes the following;

Parcel	Land Use Schedule Density	Application Density
R12	46	42
R13	46	31
R14	50	35

The Housing Density Parameters plan gave an expected density of between 46 and 50 across the parcels as a whole (which the application is lower than) but incorporated an area adjacent to the existing dwellings with a target density to not exceed 30dweh. Taking the similar area from the layout plan, which is approx. 1.4ha (incorporating the houses, parking areas and approx. half of the road servicing these houses), this contains 45 units which gives a density of approximately 32dwh. Whilst the density is slightly higher than envisaged in the earlier parameters plan for this section, it is not a notable difference in terms of pure numbers.

Overall, it is considered that the proposal generally accords with the requirements of the outline permission.

2. Design

The housing parcels R12, R13 & R14 are generally a continuation of the existing housing development on parcels R7 and R10 with the housebuilder being the same and therefore the layout and house types are reflective of the existing houses. The housing proposed is also a continuation of the recently approved KET/2019/0782 which covers parcels R8 & R11.

Parcels R12 & R13 are both fairly square in shape with both parcels adjacent to the existing house area. R12 is mostly bounded to the west by the existing Ridgway Road housing. Whilst R13 is bounded by Westleigh Road (west) and Poplars Farm Road (west and south).

R14 is a small square parcel with the Warkton Gardens South open space being a lozenge shaped area between it and parcel R13.

The design code for the site identifies the area as the Boughton End character area. The houses are a variety of two and two and half storey properties across the parcels with larger houses fronting on the Central Avenue, as required by the design code. The properties across the parcels are primarily parallel to the street to create the required formal rectilinear streetscape.

There is a strong and consistent frontage arrangement for the houses on the main central avenue for both parcel R13 and R14 which is reflective of the current properties on the neighbouring parcels as well as according with the design code requirements.

The properties are proposed as a variety of materials consisting of red and buff bricks with red, grey and brown tiles. The palette of materials is limited which ensures a sense of continuity for the development and accords with the design code requirements.

A specific point of note in the design code is the requirement in relation to garden sizes and distances between the new properties. The design code requires that any 3 bedroomed (or larger) property is required to have a 10.5m minimum length garden, the back to back distances between properties is a minimum of 21m and the rear to side distances are a minimum of 12m.

Plots 31 & 32 have a back to back distance of 20m to plot 41. Due to the L-shape of the properties, plots 43 & 44 have a shortest rear to side distance of 11m and plots 8 & 9 due have their shortest back to back distance at 17.5m. This is a very minor deviation from the design code requirement and does not mean that the residential amenity of these plots is unacceptable.

Warkton Gardens South is an open space which contains a small area of play equipment along with an area of grass and planting. The main requirements are in relation to the play area, the play area must be more than 500m² in area, it is approximately 520m² and contains equipment suitable for children up to the age of 10years old. The proposal includes a variety of equipment suitable for these younger different ages including a multi-use unit with a slide and climb and balance elements.

A larger equipped play area which includes equipment for individuals over the age of 10, is required to be provided on the nearby parcel FOS1.

3. Residential Amenity Existing dwellings

As this is a reserved matters application, it is not possible to re-evaluate matters related to the outline including the provision of a pedestrian access to/from Westleigh Road or the principle of housing on the parcels.

It is also an intrinsic and embedded characteristic of the main outline consent that there is necessary interaction and a relationship between the existing edge of Kettering and the new development and therefore the desire for physical separation provisions between the existing housing and the new housing cannot be countenanced as part of the reserved matters.

It should be borne in mind when considering the impacts identified below, that the provision of a 2m high fence around the field edge with the existing properties would not need planning permission.

Due to the locations of Warkton Gardens South and parcel R14, these do not impact on the residential amenity of any existing dwellings.

There are potential impacts on existing properties located within Ridgway Road, Peverill Street, Poplars Farm Road and Westleigh Road from the proposed housing within parcels R12 & R13 due to these parcels sharing a boundary with the existing housing area and these are considered below.

Ridgway Road

Due to the lengths of gardens of the existing properties in Ridgway Road, which at the closest are approx. 20m from the shared boundary with parcel R12. The majority of the new houses are orientated back to back with the Ridgway Road properties. The shortest distance from any of the new properties to the shared boundary is 10m, which means there is over 30m back to back distance between the properties which is a notable separation distance to prevent adverse impact on the existing dwellings.

Removal of Permitted development rights for extensions and outbuildings is recommended to ensure that the relationship is managed.

It is noted that there are parts of established hedge and trees which runs along this shared boundary, however, these are mostly located within the ownership of the existing properties rather than within the gardens of the new properties. This along with the standard boundary fencing along this boundary (to be installed as necessary – this will depend on how the existing fence is at that time) is considered to provide appropriate amenity levels. Further consideration of hedging & trees within these plots is considered as part of the landscaping commentary below.

No.14 has housing proposed side on rather than back to back, and the side garden for the new plot (209) is narrower at this point, however, no.14 has a 20+m garden to the rear boundary and there is a 5m offset side garden for plot 209. There is a single window located on the side elevation on the first floor, which could reasonably be obscure glazed by condition as it is for a bathroom. However, generally it is considered that a rear to side distance of over 25m does not result in any residential amenity issues and therefore a condition is not required.

It is noted that there have been no objections received from Ridgway Road, that are required to be overcome.

Peverill Street

The majority of the back to back distances between the recently constructed properties on Peverill Street and the now proposed properties (plots 184-190) are 21m with the L-shaped property (plot184) having a shorted distance of 15.5m due to the leg of the L. The rear projecting gable of 184 is slightly offset with the rear boundary of the Peverill Street property which means that the distance is generally acceptable, however, relevant conditions will need to be applied.

There is a rear to side arrangement from Peverill Street with plot 191 but this has a 14.5m distance between the properties and there is only a bathroom window proposed on first floor of plot 191, which will need to be obscure glazed and a condition is recommended.

There is also one plot 183, which has a side to side arrangement with a Peverill Street property which is generally considered to be acceptable.

There has been one letter received from Peverill Street that has requested that the trees along the rear boundary of Peverill Street are retained. It is agreed that the trees should be retained and this is considered in the landscaping section below. Therefore there are no material objections in relation to Peverill Street to be resolved.

Poplars Farm Road (North side)

35 Poplars Farm Road is the only property which has a shared side boundary with the new development, whilst 38, 40 and 42 face towards the new development across the unadopted section of Poplars Farm Road (bridleway and access to these properties).

The occupier of no.35 has raised concerns regarding the new properties overlooking their property and their garden.

Plots 311 – 319 back onto the boundary with no.35. The shortest distance from the rear of the proposed properties to the boundary is 16m. This would provide a more than adequate separation distance, to the side boundary of a property. However, No. 35 is orientated side onto Poplars Farm Road rather than following the alignment of the other properties in the road and therefore further consideration is required in this instance.

No.35 has its front door on the east facing elevation, this will result in an unusual arrangement of the rear of the new dwellings facing towards the front of the existing dwelling. A 16m front-to-front would provide an entirely acceptable degree of privacy for a front elevation or for a rear-to-side arrangement. No.35 is offset from the shared boundary by around 4m which would mean that the closest property to property distance would be circa 20m, which is close to achieving the recommended 21m back to back distance. Whilst this is the closest building to building relationship (between plot 319 and No.35), the closest window to window distance will be between plot 318 and No.35. The closest window to window distance will be over 21m.

No.35 is currently a single storey property and the provision of a 2m close boarded fence along the field's boundary, (which could be erected in the field without planning permission), would provide more than sufficient protection of privacy of the existing building.

The occupier of No. 35 has recently been granted planning permission for an upwards extension which if built, would result in the relationship between the extended No.35 and Plot 318 being more aligned to a back-to-back relationship at first floor as the proposed first floor extension includes bedrooms. This would result in an approximate 23m window to window distance, which as a back to back distance would be acceptable.

The specific point within the objection from No.35 is the proposed height of the fence at 1.8m along the boundary, resulting in loss of light to lounge and main

bedroom. However, the proposed fence at 1.8m in height does not require planning permission and therefore this point of objection, is not material to the proposal, as the existing property on the other side (no.33) could erect a 1.8m high fence along their boundary (subject to visibility arrangements) without specific permission from the Council.

The owner of no.35 in their objection has acknowledged that they were aware that the adjacent land was earmarked for domestic development when they brought their property in 2019. They have also raised concerns regarding maintaining their fence, in the event that the 1.8m high fence is erected along the boundary, however, that is not a planning matter.

As the impact on no.35 as the adjacent property is considered to be entirely acceptable, any impact further along this side of Poplars Farm Road will also be acceptable. However, a specific objection has been received from no.33 and in the interests of completeness, their points are addressed below.

- Feel that the applicant has not given any consideration to the surrounding area or shown any respect for the privacy of neighbouring amenities.

Concerns are noted, but this is not a material planning objection.

- Describe their property as a mature detached bungalow, located in a peaceful prestigious residential area, with a well established and fully enclosed garden.

It is acknowledged that they live in a bungalow in a residential area. Their opinion of the residential area being prestigious is noted.

- Their privacy will be totally invaded in the whole of rear and front gardens. There is a public right of way that runs in front of No.33 and therefore the change to the level of privacy of the front is limited. The boundary of the rear garden between No.33 & No.35 is over 30m away from the nearest proposed new dwelling and therefore there is no invasion of privacy and the principle of housing in this location is not open for consideration.

- The Human Rights Act states that an individual has the right to respect for their private and family life and of their home. Advises that they spend a great deal of time in their garden, often with their grandchildren.

Their comments are noted in this respect but the distance away means that the level of infringement is not significant.

- Councils should be protecting the privacy of people who have clearly brought properties that are not overlooked.

Opinion is noted.

- I accept that some people have no issues with being overlooked and being able to view into another person's private life therefore housing estates are fine. The problem arises when planning permission is granted for a housing estate that is virtually joined to an established quiet rural area.

This is not an application for planning permission, it is an application for reserved matters approval and the principle of the development is not open for

consideration. Their concern regarding that the development is joined to the established housing area cannot be afforded any weight as the principle of the development has been established for years.

- Previous plans showed a large green area where the dwellings on parcels R12, R13 & R14 are now proposed. This has been significantly reduced to a ransom strip with no measurement of how wide it will be. This appears to be a deliberate ploy to mislead people.

These parcels have been proposed as residential parcels since 2008 and the strategic masterplan, does not show a large green area for these residential parcels.

- The ransom strip is causing great concern for many residents. However, wide the proposed strip will be it can only be seen as a problem area....

The referenced ransom strip (addressed in more detail in section 4) has been removed from the application and is no longer proposed.

The main concerns raised relate to the principle of development in and around this location and this impact. However, as this is a reserved matters application, it is not open to consideration as to whether there should be residential development on the parcels or whether there should have been a substantive buffer between the new development and the existing area, as these are outline matters.

There are no material planning objections that are applicable to the reserved matters approval being sought, as the material planning issues relate to the principle of and the impact of the housing development on the parcel rather than the details.

Poplars Farm Road (South side)

Whilst, the main impact is a character change in this location, rather than a direct residential amenity impact, there are points of consideration in regards to the residential amenity which include those which have been raised by the south side of Poplars Farm Road.

Nos. 38, 40 & 42 are located on the south side of Poplars Farm Road and these face towards the properties at the bottom corner of R13. Plots 319 and 320 are opposite the existing buildings, are between 21 and 30m away from the existing properties and these new plots are side on the bridleway.

The points for consideration and that have been raised are;

- Works to Poplars Farm Road (non-adopted section)
- Street lighting
- Boundary treatments (in particular plots 319 & 320 and gap between)
- Headlight impacts

Poplars Farm Road is currently an unadopted farm track under which runs a bridleway. This means that it is open to walkers, horse-riders and cyclists along as providing private vehicular access to the existing residential properties and the farm (further within the site). As part of the wider development works, the Bridleway is required to be upgraded (see highways section below) which will

require improvements to the unadopted area – primarily to be more suitable for cyclists and walkers. This may necessitate lighting along the bridleway, but the specific details will need to be agreed and this will need to be done in consultation with the existing residents, including consideration of lighting.

Concern that has been raised in relation to the impact of headlights of vehicles using the turning head between plots 319 & 320. The proposal landscaping and boundary plans for this area are insufficient to protect from this impact, and additional boundary treatments are required in relation to this area. There is a pedestrian connection proposed adjacent to the turning head (west side) opposite no.40 which means that there will need to be specific consideration as to how this will be treated. A condition in relation to the boundary treatment is recommended in relation to this. This is likely to need to incorporate an increasing height wall with a sigmoid curve (section of low level wall (<1m height) to a high (2m) wall with a gentle curve between the two rather than stepped) along with planting.

Westleigh Road

Westleigh Road is roughly orientated on an east-west line, with properties located on either side of the road. The outline permission requires that there is a pedestrian connection through into the new development.

Westleigh Road (south side)

No.10 Westleigh Road has a long rear garden, which as plots 306-311 are orientated east-west rather than north-south, does mean that there is a greater potential for overlooking of the rear garden due to the numbers of properties. The new properties all have gardens of a minimum of 17m in length along this boundary which means that there is a reasonable separation to the boundary for these properties.

The majority of proposed properties are 2 storey with two plots (306 & 307) proposed as 2.5 storey with rooflights (which are not at high level).

It is noted that the east facing elevation is the side elevation of No.10 and therefore the proposed rear garden lengths for the plots 306-311 would be more than sufficient as a rear to side separation distance.

No.10 has been extended historically (planning permission KET/2009/0397) and the changes which included the provision of windows in the east facing elevation (looking towards parcel R13) at first floor, these windows include a window which serves a bedroom. As the east facing elevation is the side, any new, replacement or alteration to the windows in the first floor elevation would be subject to the condition in the General Permitted Development Order 2015 which requires that;

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling house must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

Whilst this means that planning permission would be required to have non-obscured windows if/when replaced in this elevation, currently there are windows that are not restricted by this provision. As such it is considered that it is more appropriate to consider whether the separation distances may be acceptable as a back-to-back distance rather than a rear-to-side distance.

There is 20.5m distance between the rear of the new plots and the side of No.10 and whilst this is slightly lower than may be desired as a pure back-to-back distance, it is a reasonable separation distance especially considering that it is technically a rear-to-side distance. However, in the interests of ensuring that residential amenity is protected in the future permitted development rights are recommended to be restricted on these plots.

There is very limited impact on no.8 as the nearest garden boundary is over 33m away from the rear of the proposed houses.

No. 8 & No.10 (south side) have both raised concerns regarding the quantity of housing proposed along the boundary. However, whilst there is impact on their residential amenity particularly to the garden of no.10, it is considered that the impact on their residential amenity is acceptable and is not of a level of harm that would justify a refusal.

Westleigh Road (North Side)

The originally submitted plans were considered to have an unacceptable impact on the residential amenity of the Westleigh Road properties and notable changes to the layout were required by the planning department and a new consultation undertaken following the receipt of the amendments.

There were valid objections to the first layout in relation to;

Loss of privacy from 1 bed apartments, proximity to boundary of plot 211, parking courtyard for plots 208-213, unenclosed strip of land which have been resolved/amended as part of the new layout.

The properties on the north side of Westleigh Road have shorter gardens than the south side, with the new plots on the amended layout orientated back to back with the existing properties. No. 15 Westleigh Road is the end property and plot 245 is located to the side (side to side approx. 8.5m apart).

The main consideration in respect of the residential amenity is the back-to-back distances in this instance. Due to the angle of the new properties to the boundary, the shortest rear garden on the boundary is on plot 214 which has a 10.5m long garden.

The existing properties all have a reasonable length of garden of between approx. 15m and 20m which along with the new gardens, gives a reasonable degree of

separation between the properties providing an acceptable level of residential amenity for the existing residents in terms of back-to-back distances.

The following points of objection have been raised by the North side residents which are addressed below.

- The boundary runs along the rear of the properties 5-15 on Westleigh Road with a small retained hedgerow (below fence height). These existing properties will be overlooked/overshadowed by new properties.

The separation distance between the properties and the size of the rear gardens means that there will be very limited overshadowing and there is not a harmful level of overlooking.

- The properties will have a substantial adverse effect on our residential amenity. This is currently a very quiet area and these houses will bring additional noise and disturbance. This means we will be unable to use of our garden in the same manner and they will hear noise inside their property.

It is acknowledged that there is a change to the residential character of the area and this will have an adverse effect on the amenity of the existing residential properties. However, it is not considered to result in substantial adverse effect on their residential amenity, which would lead to refusal, as the principle is already established by the outline permission.

- The high density of the properties does not respect the local environment and would be out of character with the neighbouring properties.

As noted above (section 1 compliance with the outline permission), the density of the new dwellings around the boundary with the existing is very similar to the required level and is not of a high density.

- A section of existing hedgerow at the end of Westleigh Road will be removed to create a new footpath between the existing road and the new development. This will bring additional vehicles and foot traffic to Westleigh Road which will alter the character with additional noise and disruption.

This was considered and approved under the outline permission and only the specific detail rather than the principle can be considered as part of the reserved matters.

Additional comments/points were also raised;

- Request to retain the hedge to the rear of the properties

Noted – field hedgerow is to be retained and enhanced (see landscaping section)

- The two trees to remain at the end of Westleigh Road

Noted – they are not within the housing parcels and are required to be retained.

- Request that pavement connection from Westleigh Road into new site is on opposite side of road (by no.10) or within the centre point.

Noted – the current plan shows that the connection would be on the northern side of the road, however, this requires additional agreement with the Local Highways Authority. (see highways section for more detail).

This matter has been discussed with the Highways Authority who have advised that additional technical work would be required (to assess existing pavement and utilities), but that it is likely that the current Westleigh Road pavement would need to be changed to enable this. In order to retain the trees a central access point may be more practical.

- Yellow lines to be provided on Westleigh Road to ensure that can still access/egress driveway

Noted – this is not within planning powers but this has been referred to the civil parking enforcement team for consideration.

Summary (existing properties)

There is a notable change from the current situation for the majority of the existing properties, however, the main impact will be the change in character to the area and the wider impact of the increased population and development. These impacts are going to have a significant impact but were approved as part of the outline consent and are not open for consideration under the reserved matters.

Whilst the development does have some adverse impact on the residential amenity of the existing properties, it is considered that the extent of the impact is not of a level of harm that would justify refusal. Specifically, subject to restrictions on permitted development and appropriate landscaping/boundary conditions, it is considered that the impact of the individual properties that are subject to the consideration under the reserved matters application, have an acceptable level of impact on the residential amenity of the existing properties.

4. Residential amenity new dwellings

As noted in section 2 above, the design code sought to ensure that acceptable levels of external amenity are provided in terms of garden lengths for the larger dwellings and that the relationship between the new properties is of an acceptable distance.

The design code requires that any 3 bedroomed (or larger) property is required to have a 10.5m minimum length garden, the back to back distances between properties is a minimum of 21m and the rear to side distances are a minimum of 12m.

The majority of plots meet these requirements, however, as noted Plots 31 & 32 have a back to back distance of 20m to plot 41 and due to the L-shape of the properties, plots 43 & 44 have a shortest rear to side distance of 11m and plots 8 & 9 due have their shortest back to back distance at 17.5m. These distances are considered to be reasonable and provide acceptable levels of privacy to the new properties. In the interests of consistency, relevant PD restrictions will need to be applied to these plots.

All of the properties are required to the higher optional M4(2) accessibility standard by condition on the outline permission and this is formally assessed as part of the building regulations approval. The properties are required to meet the Nationally Described Space Standards, the properties are shown to meet the space standard although it is noted that some of the properties have studies which would not meet the space requirements if they were bedrooms. The rooms identified as studies do not meet bedroom room size requirements.

Subject to the PD restrictions on the identified plots, all of the properties are considered to have acceptable levels of internal and external amenity space.

5. Highways

Northamptonshire Highways Authority have formally commented on the application and have raised no safety objection to the scheme. They have however made various comments in relation to the proposal.

The following highway matters which are considered relevant to the reserved matters application have been addressed in the application, road widths, pavement widths, pedestrian and intervehicle visibility splays. These criteria have been reiterated in the Highways Authorities response and the relevant road widths, pavement widths and visibility splays have been achieved within the development.

There are no plots in any of the 3 parcels, which will have a distance of 45m or more from the edge of the proposed adopted public highway. As such no conditions related to axle weight or accessible widths are required on this reserved matters approval.

Westleigh Road is roughly orientated on an east-west line, with properties located on either side of the road. The outline permission requires that there is a pedestrian connection through into the new development. Given the requirement to protect the trees at the end of Westleigh Road and the highway agreement process, a condition in relation to this aspect is required.

The new path which runs along the eastern boundaries of PS2 and R14, is shown as a minimum of 3m in width which is an appropriate width for a footpath and cycle facility. A condition is recommended in the interests of user safety for the lighting strategy along its length in order to encourage more sustainable pedestrian and cycle usage from the outset. The provision of the path is instrumental to this modal shift and therefore it needs to be provided at a relatively early stage of the parcels.

The proposed north-south road (central avenue) links into the DC1/DC2 district centre parcel roads which provides access to the central open space area and the future secondary school site. The north-south road is around Warkton Garden's south and is an important connectivity point of this application.

The connectivity of these elements is imperative in order to deliver the overall sustainable vision for the site. As such conditions related to the delivery of the north-south road and the southern section of the path (adjacent to PS2 and south) are recommended.

Northamptonshire Highway's comments also included the following elements;

- Northamptonshire Highway's Adoption standards
- Technical plan requirements
- Footpaths which are separate to carriageway drainage requirement
- SUDs proximity to public highway boundaries
- Structures offset to public highway boundaries
- No private parking within or surrounded by public highway
- Utility covers not in vehicle crossovers
- Pedestrian crossing point dropped kerb buff material

All of which relate to the adoption criteria for public maintained highway land which are covered by a separate legal process (primarily the S38 adoption agreement) and therefore are not considerations under the reserved matters process.

The have also commented on their requirements which cover;

- Private drives restricted to maximum of 5 dwellings
- Car parking numbers to accord with Northamptonshire Highway's standards

however, as these are not adopted planning policy under which the reserved matters can be assessed and are not specifically justified in highway safety reasons, these comments cannot be afforded any weight.

6. Landscaping including play area

There are requirements for the provision of hedging and trees as part of the proposed delivery of the parcels in accordance with the wider site outline consent and ecology provisions.

The application site incorporates part of the ecological important green infrastructure connection elements which is the current field boundary hedge. Unfortunately, as elements of this important hedgerow have been removed over time (within the last 10years) and noting that whist some of the hedge/tree removal works has been by the applicant, some of the removal was by others, the biodiversity connectivity of the hedging has been eroded and it is necessary for additional hedgerow planting to be instated to make up for this loss.

There are a variety of small shrubs and ornamental species proposed within the gardens of the new properties including as small front boundary hedges. These are generally acceptable as domestic urban arrangements but do not necessarily achieve the biodiversity or ecological benefits that are required, so alternatives species are required in specific locations (primarily the former field boundaries).

The proposal incorporates a strong set of avenue trees, the proposed avenue trees include Turkish Hazel which is a recommended alternative to lime trees near roads and paved areas (less dripping and tree is happier with roads/vehicles etc.), hornbeam which is a locally native tree and suitable for street planting and plane trees. The plane trees are set within the Warkton Gardens South area in order to ensure that they have sufficient room away from the pavement/road to enable growth.

The hedge along the southern and eastern boundaries of parcel R14 and eastern boundary of PS2 is a protected hedge and it is important to ensure that it is protected during development. The arboricultural impact assessment report incorporates protection measures for the hedge and these are requirements for compliance to accord with the outline consent, however, in the interests of clarity a confirmatory condition is recommended.

Additional planting/species changes

The application site includes the Warkton Garden South area for which more native as opposed to ornamental species are required as the available space is greater and the proximity to buildings does not have the same level of restriction. As such the proposed Norway Maples need to be replaced by Field Maples and the proposed Himalayan Birch needs to be replaced by Silver Birch. This is relatively easy to control and is changed by condition.

The removal of the trees and hedgerows around the site boundary, is of concern and this now needs to be rectified through the provision of new trees and hedgerows rather than management including filling in gaps of the existing.

The following boundaries require additional/improved planting;

- Plots 338-319 (boundary with Poplars Farm Road)
- Plots 319-303 (boundary with 35 Poplars Farm Road and 10 Westleigh Road)
- Plots 245, 216-209 (boundary with 7-15 Westleigh Road)
- Plots 209-191 (boundary with Ridgway Road)
- Plots 191-173 (boundary with Peveril Street)

The following species are recommended for use;

- Hazel
- Silver birch
- Box
- Hornbeam
- Sweet chestnut
- Dogwood, Common
- Hazel, Common
- Hawthorn, Midland
- Hawthorn, Common
- Spindle
- Blackthorn
- Buckthorn, common
- Wild cherry
- Elder, common
- Elm
- Gorse
- Honeysuckle, wild
- Pear, Callery
- Rose, Dog
- Rose, Field
- Rowan

- Maple, Field
- Apple, Crab

A new hedgerow, tree and boundary treatment plan is required. This will need to be carefully conditioned along with a timeframe for doing so, given that the removal works are retrospective.

Play Area

The proposed play area incorporates a set of play equipment appropriate for use by younger children (up to 10yrs old) with a variety of play equipment including the provision of cradle swings, a nest swing and a multi-piece climb, slide.

The play area is accessible from the tarmac path through Warkton Gardens South and is enclosed by a low level railing with gates. There are dog poo bins and a litter bin located close to the play area.

Landscape summary

Excluding the field boundary elements identified above and the Warkton Garden South species substitutions, the proposed landscape arrangement is generally acceptable.

7. Other matters

Consideration has been given to the prevention of crime arrangements within the development parcel including amended plans changing layout, the provision of a knee rail perimeter fencing for the path and additional lighting (see highways section). Through these amendments, the majority of parking courts have been removed and this has resulted in only one remaining (plots 230-235). Due to these plots being off the main central avenue, alternative provision would adversely affect the character and appearance of the main street. Whilst rear parking courts are generally not desirable, it is considered that this is the best option. However, in the interest of safety, a gate is required.

A construction management plan has been submitted with the application, however, the details are insufficient to approve at this time and the applicant is aware that this condition on the outline is still outstanding.

Conclusion

These parcels are considered to be of acceptable design, layout and landscaping and subject to the various conditions discussed above are recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Gavin Ferries, Senior Development Officer on 01536 534316

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BOROUGH OF KETTERING

Committee	Full Planning Committee - 26/05/2020	Item No: 4.4
Report Originator	Louisa Johnson Development Officer	Application No: KET/2020/0087
Wards Affected	Burton Latimer	
Location	18 Elm Road (adj to), Burton Latimer	
Proposal	Full Application: 1 no. dwelling	
Applicant	Mr S Langley Concept Developments SK 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 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. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used 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 additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the side elevations or roof planes of the building.

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. 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, B, D and E of Part 1 of Schedule 2 of the Order shall be erected / 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.

6. 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 17.00 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.

7. A minimum of one car parking space shall be provided within the site and thereafter retained and kept available for such purposes.

REASON: To ensure adequate car parking provision within the site in accordance in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. 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.

Officers Report for KET/2020/0087

This application is reported for Committee decision because there are unresolved, material objections to the proposal and a ward member has asked for it to be considered.

3.0 Information

Relevant Planning History

KET/2019/0389 – 1 no. dwelling – Withdrawn 30/07/2019

KET/2018/0614 – 1 no. dwelling – Withdrawn 02/10/2018

Site Visit

Officer's site inspection was carried out on 20th February 2020.

Site Description

The site is the side garden of 18 Elm Road, a residential property on Elm Road, Burton Latimer.

Elm Road is characterised by pairs of semi-detached properties and rows of three and four properties with varying spacing.

Proposed Development

The proposal is to erect a detached two storey house with associated parking.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Neighbours

A total of 7 letters of objections have been received from 5 properties, the following issues were raised:

- The proposed detached house is out of keeping with the character of street;
- The proposed porch and cloakroom are forward of the building line;
- The proposal results in a crammed appearance and does not respect local context and street pattern;
- The proposal has inadequate parking and would put additional strain on street parking.
- The dropped kerb would reduce on street parking
- Elm Road is a narrow Road with two-way traffic flow the proposed development is in close proximity to the crossroads with Woodland Drive. Drivers frequently use the junction in an unsafe way. More vehicle movements would worsen this situation.
- The development is not justifiable given housing development in Burton Latimer in recent years.
- The development would affect the right to light of 16 and 18 Elm Road.

- The development would affect water pressure and sewerage, it would also affect other utilities and local health services.
- Noise and disturbance from construction, particularly for shift / night workers.
- The proposal would affect views from 13 Elm Road and would result in a loss of privacy to this property.
- The proposal would increase noise and disturbance.
- The submitted Daylight report underestimates the room sizes of 16 Elm Road and states that the kitchen is 8.01sqm when it is 10.14sqm. As such, the results are questionable at best and cannot be relied upon, particularly when the proposal fails to meet the requirements of the BSC test.
- The survey states there will be no loss of light to the upstairs landing and bathroom, however a dwelling obstructing the natural sunlight falling onto no. 16 surely will cause some loss of light, or at the very least cast shadows.
- In regard to the submitted daylight and sunlight report, four of the eight windows assessed on 16 Elm Road fail the BSC test, whilst five out of the ten windows assessed fail the test for 18 Elm Road.
- The proposed dwelling would be an incongruous addition to the street scene, infilling a gap between a terrace of houses and a pair of semi-detached properties. This proposal would infill one of these gaps with a two-storey dwelling projecting forward of the established building line and forming an almost continuous line of building along this part of Elm Road. The gaps between the buildings would be so small as to not be apparent when viewed along the street scene. It does not respect the character of the estate or the even spacing seen between the existing dwellings.
- The two-storey element is 7 metres deep, presenting a long length of bare brick wall facing 16 Elm Road and blocking light from the windows and amenity space. The full depth of the property would be 12.5 metres including the front tiled roof porch and rear single storey elements.
- At present no. 16 has an open aspect to the side, with just a single storey garage adjacent to them. The house is also south facing, with the side elevation facing to the west. The construction of the new dwelling would remove this light, casting the side of the house almost entirely into shadow and removing all views of the sky from the kitchen window, to be replaced by a shaded, two-storey featureless brick wall. The outdoor patio to the side of their property will also become shaded and no longer a pleasant place to relax. The loss of light and shading will be significant and will have a detrimental impact 16 Elm Road.
- The Council has a responsibility under the Human Rights Act in particular Protocol 1 Article 1, this states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

The impact of the development on utilities such as water and sewerage and health facilities, are not normally considered for a development of this scale.

Officer comment

The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-

making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

Burton Latimer Town Council

Object on the grounds that the proposal would not be in keeping with the character of the existing estate and would have a detrimental impact on neighbours in terms of loss of light, the light survey is considered to be incorrect. There are also concerns regarding traffic, sewers and density.

Environmental Health

No objection subject to unexpected contamination condition

5.0 Planning Policy

National Planning Policy Framework 2019

Policy 12: Achieving well designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy July 2016

Policy 1: Presumption in favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 11: The Network of Urban and Rural Areas

Policy 22: Delivering Economic Prosperity

Policy 28: Housing Requirements

Policy 29: Distribution of New Homes

Policy 30: Housing Mix and Tenure

Saved Local Plan Policies

Policy 35: Housing – Within Towns

6.0 Financial/Resource Implications

None

7.0 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 adaptation to, climate change.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on the character and appearance of the area
3. Amenity of future occupiers
4. Residential amenity
5. Access and Parking

1. Principle of Development

The National Planning Policy Framework sets out the principles for sustainable development which seek to ensure that places to live are created in locations which make the best and most efficient use of land, adopt high quality design standards respecting and enhancing the character of their surroundings, not result in unacceptable impact on the amenities of neighbouring properties or the wider area and not adversely impact on highway safety or the highway network.

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.

Paragraphs 56, 58 and 64 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development and supports development which establishes a strong sense of place and responds to the local character, reflecting the identity of local surroundings and materials.

Saved policy 35 of the Local Plan states that 'Planning permission will normally be granted for proposals for residential development within the towns, defined by the Town Inset boundaries shown on the Proposals Map, where the proposal is compatible with other policies and proposals in this Plan.' The site is located within the Burton Latimer boundary.

Policy 8 of the NNJCS seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area.

Policy 29 of the NNJCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most

sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'

Policy 30 of the NNJCS states that 'the mix of house types within a development should reflect: The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people.'

The site is located within the boundary of Burton Latimer, in an established residential area where generally the principle of residential development is considered acceptable in accordance with the relevant policies of the NNJCS.

2. Impact on the character and appearance of the area

The site is located on Elm Road, in a predominately residential area in Burton Latimer which is characterised by semi-detached properties.

The proposed dwelling would measure approximately 5.9m wide, 12.5m deep and a maximum height of 7.6m and 5.3m to the eaves with a pitched roof.

There has been an objection on the grounds that the proposed detached house would be out of keeping with the character of the street, that the porch and cloakroom would be forward of the building line and the development would result in a cramped appearance which does not respect local context and street pattern.

It is acknowledged that the proposed detached house is not in keeping with the character of the semi-detached properties within this part of the street, however the design and style of the building does fit in with the style of the houses in the street. In addition, there are a row of four attached dwellings on the other side of the road with tighter spacing between them and the neighbours on either side of the row, not dissimilar to the site and there are other similar instances nearby on Woodland Drive and Poplar Road. As such it is considered that the proposed layout in terms of spacing is not out of keeping with the character and spacing of the wider estate and so would not be harmful to the character of the area.

In regard to the porch, it is considered that it is not uncommon for small porches and cloakrooms to be forward of the main building line, and this in of itself is not considered to be harmful.

Therefore, it is considered that the proposed dwelling would be in keeping with the pattern of development and would not be detrimental to the character of the area in accordance with the relevant parts of Policy 12 (NPPF) and Policy 8 (NNJCS).

3. Amenity of future occupiers

Policy 8 e(i) of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

The proposed dwelling provides a total floorspace of approximately 86.45sqm with two bedrooms, one of which meets the standard for a double room and one of which

meets the standard for a single room; therefore the proposed dwelling complies with the requirements of the Technical Housing Standards – nationally described space standards, March 2015.

The proposal would provide an amenity space of at least 64sqm; this is larger than the footprint of the proposed dwelling. Therefore, it is considered that it would be sufficient for a house of this size.

The proposal would be acceptable in terms of the amenity of future occupiers and in accordance with policy 8 e(i) of the NNJCS.

4. Residential amenity

Policy 8 of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

The site shares a side boundary with 16 Elm Road and the proposed dwelling would be approximately 1m from the boundary with this property and 4m from the side elevation with this property.

An objection has been received on the grounds that the proposal would affect the light received to windows in the side elevation of no. 16 facing the development, that four of the eight windows assessed at 16 Elm Road failed the Vertical Sky Component, that the assessment underestimates the size of rooms at no. 16, that the development would add to existing overlooking of this property and would make 16 Elm Road feel enclosed.

The windows in the side elevation of 16 Elm Road that face the proposed development serve a utility room, kitchen, lobby, bathroom and landing. For planning purposes the kitchen is the only room considered to be a habitable room and therefore the impact on the windows serving the other rooms / spaces would not normally be considered.

The applicant has submitted a Daylight and Sunlight Report dated 9th August 2019 in support of their application, the report has assessed both the Vertical Sky Component and Daylight Distribution Test, if one of these tests is passed then it is normally considered that adequate light is being received. The kitchen window at no. 16 fails the Vertical Sky Component, however it passes the Daylight Distribution Test. The other rooms / spaces which have failed are non-habitable rooms.

It is acknowledged that the objector states that the kitchen is larger than the estimate given in the report at 10.14sqm rather than 8.01sqm. However, the kitchen has been visited and is formed of a kitchen for kitchen purposes with no dining facilities. Furthermore, no. 16 has a side drive of approximately 3m wide between its side elevation and the boundary with the site, resulting in a separation gap of 4m between the two properties. As such whilst it is acknowledged that there would be some impact on the light received to the kitchen, it is considered that this separation gap is such that it would not be so severe as to be unacceptable.

In regard to overlooking, there are no windows in the side elevation facing no. 16 and a condition can be added to the permission to remove permitted development rights in regard to windows and openings in the side elevations. In terms of an enclosed feeling, as discussed above the proposed dwelling would be approximately 4m from the side elevation of no. 16 which is considered to be sufficient to prevent a feeling of enclosure, a condition removing permitted development rights in terms of extensions should ensure that this separation gap is not lost in the future.

Given the above and subject to the conditions outlined, it is considered that the proposal would not have a detrimental impact on 16 Elm Road.

The site shares a side boundary with 18 Elm Road and would be approximately 1m from the side boundary with this property and 2.5m from the side elevation of this property.

An objection has been received on the grounds that the proposal would result in a loss of light to the kitchen window in the side elevation of the property, however this is not a primary window as this property has large folding doors in the rear elevation which serve the same room. The other rooms / spaces affected are non-habitable rooms and therefore are not considered further.

It is considered that it would be appropriate to restrict the insertion of windows and openings in the side elevation facing no. 18 to protect the privacy of the property. Given the above and subject to the condition outlined, it is considered that the proposal would not have a detrimental impact on 18 Elm Road

The site backs onto 30 Woodland Drive, the proposed dwelling would be approximately 9m from the boundary with this property, with the two storey element being 13m away. It is considered that it is appropriate to remove permitted development rights in terms of extensions and outbuildings to ensure that the impact on neighbouring properties can be assessed. Given these separation distances and the condition outlined, it is considered that the proposal would not have a detrimental impact on 30 Woodland Drive.

An objection has been received from the occupants of 13 Elm Road on the grounds that the proposal would affect views from no. 13 and would result in a loss of privacy to no. 13. However, no. 13 is on the other side of the road, at least 10m away with the road in between and the relationship is a normal one between properties on either side of a road. Therefore, it is considered the proposal would not affect the privacy of no. 13 and private views are not protected.

An objection has also been raised on the grounds that the construction of the development would result in significant noise and disturbance and would particularly impact shift / night workers who live nearby. The impact of the construction work can be controlled to some extent by a condition restricting the hours of operation, however this in of itself is not a reason for refusal. Therefore, it is considered that a condition restricting the hours of operation would be appropriate to mitigate the impact of construction works.

Therefore it is considered that there will be no unacceptable impact on the amenity of neighbouring residents through this proposal subject to conditions removing permitted development rights in terms of the insertion of windows and opening in the side elevations, extensions including changes to the roof and outbuildings and controlling hours of working during construction in accordance with policy 8 of the NNJCS.

5. Access and Parking

The site has one on-site parking space measuring 5m by 2.5m which is considered to be a standard parking space. Whilst it is acknowledged that this is below the two parking spaces recommended in the Northamptonshire Parking Standards document, this is not an adopted document and there is adequate on street parking in the area.

An objection has been received on the grounds of highway safety and the impact of the development on the safety of the junction of Elm Road with Woodland Drive. However, the proposal complies with the Local Highways Standing Advice as the access is more than 10m from the 'Give Way' line of the junction.

Therefore it is considered that subject to conditions requiring the access to be provided to a suitable standard and the parking space to be provided, that the proposal would be acceptable in terms of highway safety, access and parking in accordance with policy 8 of the NNJCS.

Conclusion

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area, residential amenity, highway safety, access and parking. Subject to conditions the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: