

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 09/11/2010</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Michael Boniface Development Officer</b>	<b>Application No: KET/2010/0553</b>
<b>Wards Affected</b>	<b>Barton</b>	
<b>Location</b>	<b>242 Barton Road, Barton Seagrave</b>	
<b>Proposal</b>	<b>Full Application: 1 no. detached house with garage</b>	
<b>Applicant</b>	<b>Mr D Smith</b>	

### **1. PURPOSE OF REPORT**

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

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

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the Northamptonshire Core Spatial Strategy.

3. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 13 of the Northamptonshire Core Spatial Strategy.

4. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Prior to the commencement of development, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction/recycling and provision for water efficiency and recycling shall 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 these approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place until a scheme for the disposal of foul sewage has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To ensure appropriate drainage and acceptable levels of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The windows marked 'FFW8', 'FFW9' and 'FFW11' on the submitted drawing number '2010\_48(2)' shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A, B or C shall be made in the west or east elevation or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until parts A - D have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the

extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to

the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes (if any) :-

- NONE

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 3 and 13, Policies 1, 7, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policy 35 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

None.

#### **Site Description**

Officer's site inspection was carried out on 06/10/2010.

The site comprises a grassed area currently forming garden land to the rear of 242 and 242a Barton Road. A 1.8m close boarded fence currently encloses the land along with leylandii planting and various landscaping. Access would be gained from an established shared driveway which currently serves 4 other modern properties. Land levels are consistent both within and immediately surrounding the site.

#### **Proposed Development**

Two storey detached dwelling.

#### **Any Constraints Affecting The Site**

A Road

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

#### **Parish/Town Council**

Objection for the following reasons:

- The dwelling would constitute an overdevelopment of back land contrary to the latest government initiative to preserve the character of towns and villages, this will add to the destruction already taking place in the village.
- Increase in traffic accessing the A6003 at a point where congestion is a problem during peak times.

#### **Environmental Health**

No objection. Recommend a condition requiring a detailed contaminated land assessment to be carried out.

#### **Highway Authority**

No comments received.

#### **Neighbours**

5 letters of objection for the following reasons:

- Inaccurate plans suggest the existing shared driveway serves 3 properties but it in fact serves 4.
- Existing properties missing from plans.
- Additional traffic would utilise the existing single track shared driveway to the detriment of highway safety.
- Existing sewer problems would be worsened.
- Loss of light/overshadowing.
- Proximity of large dwelling would be out of keeping with other properties.

- Existing access problems and traffic congestion would be worsened.
- Trees would need to be removed.
- Lack of turning and manoeuvring space.
- Overlooking/loss of privacy.
- Security of existing houses.
- Potential damage to the existing private driveway by construction traffic.
- PPS3 now excludes garden land from the definition of 'previously developed'.
- The national indicative minimum density of 30 dwellings per hectare is no longer applicable.

## **5.0 Planning Policy**

### **National Policies**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG13 – Transport

PPS23 – Planning and Pollution Control

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy**

1 – Strengthening the Network of Settlements

7 – Delivering Housing

9 – Distribution & Location of Development

10 – Distribution of Housing

13 – General Sustainable Development Principles

14 – Energy Efficiency and Sustainable Construction

#### **Local Plan**

35 – Housing: Within Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Design, Character and Appearance
3. Residential Amenity
4. Highways and Parking
5. Environmental Matters
6. Energy Efficiency and Sustainable Construction
7. Trees and Landscaping
8. Other Matters

## 1. Principle of Development

PPS3 encourages the use of land within existing settlements where future occupants can benefit from established amenities and public transport. The North Northamptonshire Core Spatial Strategy (CSS) defines Kettering as a 'Growth Town', a primary focus for development. Barton Seagrave falls within the settlement boundary for Kettering and as such, is considered an appropriate location for the proposed development. This is further strengthened by policy 35 of the adopted local plan which supports the provision of housing within towns.

PPS3 now excludes garden land from the definition of 'previously developed', removing it as a priority for development. The emphasis on efficient use of land remains however and residential development should therefore continue to be encouraged where in accordance with the detailed considerations set out below.

Policy 13 of the CSS is supportive of development provided the proposals do not result in adverse impact upon neighbouring properties or the highway network and that schemes present a good standard of design.

## 2. Design, Character and Appearance

Barton Road is characterised by substantial detached dwellings in the vicinity of the site and these tend to be well spaced and set back from the highway behind private drives and gardens. Properties face the highway in a linear manner providing a strong and active appearance from the public realm. Backland development is not a common feature in this area however 3 substantial detached dwellings have been constructed adjacent to the proposed site and behind street fronting properties. These are served by an existing shared driveway from Barton Road. The construction of a further dwelling would therefore be seen in the context of the existing backland development and no alterations are proposed to the existing vehicular access. The building would not be prominent from the public realm given its location behind existing substantial properties and the dwelling would not therefore adversely impact the character and appearance of the area.

The proposed dwelling would be substantial however it is considered that the scale proposed would be compatible with that of the adjacent properties which are all large, two storeys and detached. The concerns raised by the Parish Council and neighbouring occupants regarding potential overdevelopment are noted however it is considered that the site represents an entirely appropriate location for an additional dwelling which accords with the character and appearance of the area. The host property would retain large private gardens, while the proposed dwelling would achieve a satisfactory relationship with surrounding dwellings along with a frontage to the existing driveway. It is concluded that this represents an opportunity for a more effective and efficient use of land in accordance with the policy objectives laid out in PPS3 without harm to the character and appearance of the area.

The existing properties present a varied design and appearance but are all relatively modern. The predominant materials are red brick with concrete roof tiles and UPVC windows. The proposed dwelling would utilise similar materials and a condition could be used to secure details for later approval. It is noted that the existing properties served from the shared driveway incorporate some detailed design features such as stone quoins, window heads and cills which provide visual interest. It is slightly disappointing that the proposed dwelling does not include similar features however these are not a feature of the wider area, including on dwellings fronting Barton Road and it is not therefore necessary to require their incorporation. Overall, the proposed building is appropriate in terms of scale, design and appearance.

### 3. Residential Amenity

The proposed dwelling would stand within an entirely residential area and the proposed use is therefore compatible with its surroundings. The building would stand directly adjacent to no. 244c which presents a blank elevation towards the site. As such, no overshadowing would result to habitable room windows. It is noted that the building would be set back slightly compared within no. 244c however the building would not protrude back to such an extent as would adversely impact the adjacent occupants in terms of overshadowing to rear openings. Some overshadowing to the rear garden of no. 244c may result during the morning however this would not be to such an extent as would warrant the refusal of planning permission. The scale and siting of the building are such that no overbearing impact would result despite the relatively close proximity of the structure to the neighbouring property which would stand 2 metres apart.. One first floor window is proposed within the side elevation opposing no. 244c however this would serve an en-suite bathroom and a condition could therefore secure obscure glazing to avoid potential for overlooking.

Two bathroom windows within the east facing elevation would need to remain obscure glazed to protect the privacy of 242 and 242a Barton Road. Windows within the rear elevation would face towards the private garden associated with the proposed dwelling and while views may be possible to the neighbouring curtilage, the relationship between the proposed properties and the existing would be typical of an urban environment and the potential for some overlooking is no more than would be reasonably expected.

The dwelling would oppose the side elevation of no. 244a (6 metres away) which presents two windows towards the site; both are obscure glazed serving a bathroom on the ground floor and landing on the first floor. The garage associated with the proposed dwelling would also divide the two properties and no adverse impact would result in terms of overshadowing, overbearing impact or overlooking.

Habitable rooms would be contained in the roof space above the proposed garage served by dormer windows and these would allow views of the front garden and driveway associated with no. 244c. However this is not private amenity space and this relationship is again typical of an urban environment. The dormer windows would allow oblique views towards no.244b however this



would be a similar relationship to that between no.244a and no.244b and no direct overlooking would result. A separation distance in excess of 22 metres would be retained between habitable room windows avoiding any unacceptable overlooking between rooms.

Overall, the proposed development would not result in any significant adverse impact upon neighbouring amenity and the scheme therefore accords with criteria 'I' of the North Northamptonshire Core Spatial Strategy.

#### 4. Highways and Parking

The proposed dwelling would be served by the existing vehicular access to Barton Road shared by no. 244, 244a, 244b and 244c. The access is gated, hard surfaced and level with good visibility by virtue of Barton Road being relatively straight at this point. The access width is approximately 4.5m and this is sufficient for two cars to pass one another without conflict. The addition of one dwelling will not result in a significant intensification of use and the existing facilities therefore remain acceptable. The site is currently enclosed by a 1.8m close boarded fence and cannot be used for parking, turning or manoeuvring and no loss of such facilities will therefore result. No objection has been received from the Highway Authority.

6 parking spaces would be provided by the development. This level of provision is far in excess of the amount that would be expected for a scheme close to Kettering which is served by a good level of amenities and public transport however this overprovision is not so significant as to outweigh the other considerations set out within this report.

#### 5. Environmental Matters

Due to the underlying geology across Northamptonshire, unacceptable levels of arsenic, vanadium and chromium are often found and this would need to be remediated prior to a sensitive residential use commencing. A condition requiring a comprehensive contaminated land investigation is suggested above.

#### 6. Energy Efficiency and Sustainable Construction

Policy 14 of the Core Spatial Strategy requires that development meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. Schemes should demonstrate techniques of sustainable construction and energy efficiency, provision for waste recycling/reduction and provision for water efficiency and water recycling. Although the applicant has completed the Council's Sustainable Design Checklist and submitted a 'Sustainability Appraisal and Energy Statement' this provides very little detail or specific proposals to demonstrate compliance with these requirements. A condition would therefore be necessary to secure additional information and implementation.

#### 7. Trees and Landscaping

Although the application details suggest that there are no trees or hedgerows within the site, it is clear that a number of leylandii trees would need to be removed from the south boundary. While these currently soften the immediate

area around the site, this species are not native and are of fairly limited amenity value. Furthermore, the trees are set back from the public highway and do not provide any public amenity. Removal of these trees and other modest landscaping within the site is considered acceptable in this instance in order to facilitate the development. A condition can be used to secure a landscaping scheme for later approval in order to ensure an appropriate standard of development.

#### 8. Other Matters

Concerns have been raised by neighbours regarding the proposed method for disposal of foul sewage as problems are apparently experienced with the existing facilities. The application details suggest that the property would discharge to the mains sewer but it is considered appropriate to require further details by condition in order to ensure that this connection is achievable. Anglian Water can then be consulted upon any detailed proposals.

While concerns regarding potential damage to third party property and access through private gates are noted, these would be civil matters and cannot be considered as part of the planning application.

#### Conclusion

The proposed development accords with both national and local planning policy and there are no material planning matters that indicate against the scheme; as such, planning permission should be granted.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Michael Boniface, Development Officer on 01536 534316

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

Ref:

Date:

## SITE LOCATION PLAN

242 Barton Road, Barton Seagrave  
Application No.: KET/2010/0553



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