

BOROUGH OF KETTERING

Committee	Full Planning Committee - 09/11/2010	Item No: 5.4
Report Originator	Fjola Stevens Development Officer	Application No: KET/2010/0647
Wards Affected	Desborough Loatland	
Location	38 Alexandra Road, Desborough	
Proposal	Full Application: 1 no. dwelling	
Applicant	Ms F Towns & Ms K McManus	

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 North Northamptonshire Core Spatial Strategy.

3. 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: 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.

4. No development shall take place on site until details of the method of construction of the means of access have been submitted to and approved in writing by the Local Planning Authority. The approved details, which shall include pedestrian visibility splays of 2.4m x 2.4m, shall be fully implemented before the use commences or the dwelling hereby permitted is occupied, whichever is the sooner.

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The development hereby permitted shall not be occupied, or the use commence, whichever is the sooner until the existing vehicular access from the site to Alexandra Road has been permanently closed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping in accordance with the mitigation measures contained within the Habitats and Protected/Notable Species Report dated July 2010. The scheme shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved landscaping 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 and in the interests of conserving biodiversity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. 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 hereby permitted 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.

8. 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 or C shall be made in the north facing elevation or roof plane of the dwelling hereby permitted.

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.

Notes (if any) :-

- Due to the underlying geology present throughout Northamptonshire, the levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health would be considered acceptable for residential land use (with and

without plant uptake); it is expected that there may be unacceptable risks to future occupiers of the site therefore the required investigations must take these elements into consideration. Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide. This document is downloadable at:

http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf

If you wish to discuss the requirements of the investigations further please contact Mrs Alex Gratrix, Team Leader (Environmental Protection) on (01536) 534348; or email at contaminatedland@kettering.gov.uk

- This planning permission does not absolve the applicant from complying with the relevant biodiversity and geological conservation law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System (ODPM 2005).
- This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.
- The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway and should make contact with the Highway Authority at Northamptonshire County Council, tel. 01604 654358.

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, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 35 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document Sustainable Design. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2010/0201 – 1 No. dwelling – Withdrawn 10/05/10

KET/2007/0857 – Construction of 2 no. dwelling houses – Withdrawn 13/11/07

Site Description

Officer's site inspection was carried out on 21st October 2010.

The application site lies on the western side of Alexandra Road, a residential street to the west of Desborough Town Centre. Directly north of the application site lies an extension to Alexandra Road which provides access to Addison Road and therefore the application site situated on the corner of these two roads. The application site is currently occupied by an end of terrace 2 storey dwelling with garden to the front, side and rear.

The existing dwelling sits on ground higher than the surrounding highways and therefore the garden to the front and side slopes down to the meet the level of the adjoining footpath.

Proposed Development

This application seeks permission for a 2 storey dwelling adjoining the side elevation of the existing dwelling on the site. The proposed dwelling would measure approx. 5.1m (w) x 7.4m (h) x 8.5m (d).

The height measurement has been taken from the rear elevation where the level of the ground is even. However due to the slope of the site at the front and side of the existing dwelling, the height of the proposed building would vary when viewed from the front and side. The maximum height of the building (taken on the north east corner of the building) would be approximately 7.8m.

Any Constraints Affecting The Site

None

4.0 Consultation and Customer Impact

Town Council

Objection – This removes and damages the visual amenity of the area reducing habitat and influencing biodiversity. It is considered to be an overdevelopment of the site. Additional vehicles (possibly 4 as stated to be the average per house) will increase the lack of amenity already existing and there is no further 'housing need' in Desborough.

Environmental Health

No objection. Recommend a condition requiring a contaminated land survey.

Natural England

No Objection. Recommend a condition to secure the impact mitigation provided in the Habitats and Protected/Notable Species Report submitted with the application. The applicants should also be made aware that they are responsible for complying with relevant biodiversity and geological conservation law.

Wildlife Trust

No Objection. Recommend a condition to secure the mitigation scheme as set out in the report submitted with the application.

Neighbours

Two 3rd Party Objections

- Cramped development
- Building out of place in the side road
- Loss of light to kitchen and toilet
- Reduce privacy
- Would be dangerous for drivers and pedestrians using junction

5.0 Planning Policy

National Policies

PPS1 Delivering sustainable development

PPS3 Housing

PPG13 Transport

Development Plan Policies

North Northamptonshire Core Spatial Strategy (CSS)

P. 1 Strengthening the network of settlements

P. 9 Distribution and local of development

P. 10 Distribution of housing

P. 13 General sustainable development principles

P. 14 Energy efficiency and sustainable construction

Local Plan (LP)

P. 35 Housing: Within towns

SPGs

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact upon visual amenity and character
3. Impact upon residential amenity
4. Impact upon highway safety
5. Biodiversity
6. Energy efficiency and sustainable construction

1. Principle of development

PPS1, PPS3 and PPG13 all state that new development should be directed to existing built up areas. This is repeated in policies 1, 9, 10 and 13 of the CSS. In addition policy 35 of the LP states that planning permission will normally be granted for residential development within towns where the proposal is compatible with other policies and proposals in the plan. The objective of these policies is to ensure that new development is located in sustainable locations where access to jobs, facilities, amenities etc can be provided, and where ideally they can be access via sustainable modes of transport. This application seeks permission for a new dwelling in a sustainable location within an existing built up area where services, job and amenities can be access on foot, by cycle or public transport and therefore the occupiers of the dwelling would not have to rely on the use of a private vehicle to make journeys. Whilst PPS3 has now removed garden land from being a priority for development such proposals still fall to be considered on their merits.

Due to the location of the application site in a sustainable location the construction of a new dwelling accords with national and local planning policies and is therefore acceptable in principle.

2. Impact upon visual amenity and character

PPS1 requires new development to be of a high quality of design, and policy 13(h) of the CSS states that new development should respect and enhance the character of its surroundings. The application site lies within a predominantly residential area in a street characterised by 2 storey terraced and semi-detached dwellings. Most of the dwellings are constructed with facing brickwork or painted render under concrete roof tiles. There is a strong rhythm to the street with regular plots of equal width and relatively long gardens.

The proposed dwelling would be sited on land to the side of an existing dwelling. The land currently provides a side garden and the plot is a double width plot when compared to the predominantly plot size along Alexandra Road and Addison Road. The proposed dwelling has been designed to reflect the scale and appearance of the terrace to which it would be attached and therefore it is considered that the proposal would not detract from the visual amenity or character of the existing street scene. In addition the sub-division of the plot would result in 2 plots similar in size to the surrounding plots.

The proposed development would result in the loss of some ornamental plants, however most of the planting along the side and rear boundaries would be retained.

It is considered that a condition requiring a landscaping scheme should be submitted to ensure that suitable replacement planting is provided.

It is therefore considered that due to the siting, size, design and appearance of the proposed dwelling it would respect and enhance the character of its surroundings in accordance with policy 13 (h) of the CSS.

3. Impact upon residential amenity

Policy 13 (l) of the CSS states that new development shall not result in an unacceptable impact upon the amenities of neighbouring properties or the wider area by reason of loss of light or overlooking (among others).

It is considered that due to the siting of the proposed dwelling alongside the existing dwelling and approximately 15m to the south of the adjacent dwelling it is considered that the proposed dwelling would not have a significant impact upon the occupiers of these dwellings in terms of being overbearing or resulting in loss of light. The proposed dwelling would adjoin the existing property on the application site resulting in the loss of 3 north facing windows that currently serve a kitchen, WC and stairwell. None of these rooms are habitable rooms, the kitchen is served by a west facing window also, and the property is within the ownership of the applicant so the applicant can control who occupies this dwelling. It is considered that the proposed loss of windows to the non-habitable rooms would not have a significant adverse impact upon the current or future occupiers of the existing dwelling and therefore the loss of these windows is acceptable.

It is also considered that due to the siting of the proposed dwelling and its design, with only a single WC window on the side elevation at ground floor level, the proposal would also not result in an unacceptable level of overlooking of the dwellings to the north or south of the proposal.

In addition the neighbouring dwellings to the east and west would be a significant distance from the proposal and therefore the development would also not have a significant impact upon the occupiers of these dwellings in terms of being overbearing, loss of light or overlooking.

For the reasons outlined above it is considered that the proposed development would not result in any unacceptable impacts upon the residential amenity of the neighbours and therefore the proposal accords with policy 13 (l) of the CSS. It is however recommended that conditions be imposed to prevent additional first floor windows on the side elevation of the proposed dwelling and to ensure that suitable screen fencing be erected between the gardens of the existing and the proposed dwelling.

4. Impact upon highway safety

Policy 13(n) states that new development should not have an adverse impact upon the highway network and will not prejudice highway safety. The proposed development would involve the relocation of the existing vehicular access to the western end of the rear garden. The new access would provide 2 off-road parking spaces, providing parking for the existing and proposed dwelling. The proposed access would also incorporate pedestrian visibility splays of 2.4m x 2.4m.

It is considered that although the use of the access would be intensified, the access would be approx. 30 m west of the Alexandra Road junctions and the design of the access would ensure that cars entering and exiting the site would have visibility of pedestrians walking along the road. Due to the siting and design of the proposed access it is considered that the proposed development would not have a detrimental impact upon highway safety, accords with standing highways authority advice, and therefore the proposal accords with policy 13 (n) of the CSS.

5. Biodiversity

Policy 13 (o) states that new development should conserve and enhance the biodiversity of the environment. The planning application is accompanied by a wildlife survey from May 2008 and a re-survey including an appraisal of habitats and protected/notable species in the vicinity with an evaluation, assessment of impact, mitigation and details of biodiversity gain dated July 2010.

The information submitted with the application demonstrates that no protected species were found in the pond or elsewhere on the site. Whilst records show that there are a large number of protected species within 2 km of the application site, the report shows that the proposed development would have a low impact protected species due to their distance from the site and the characteristics of the site. In addition there would be no impact upon designated wildlife sites. The proposal would however result in a loss of terrestrial habitats for some species such as smooth newt and common frog. Therefore a mitigation scheme has been submitted with the report to reduce the impact of the development.

Natural England has confirmed that they have no objection to the proposal subject to a condition being imposed requiring the implementation of the mitigation scheme submitted. It is therefore considered that provided the mitigation scheme is conditioned the proposal would conserve and enhance biodiversity in accordance with policy 13 (o) of the CSS.

6. Energy efficiency and sustainable construction

Policy 14 of the CSS and the Sustainable Design SPD requires new development of this scale to demonstrate that sustainable construction techniques, water reduction measures and waste reduction measures are incorporated. This application has been accompanied by sustainable development SPD checklist and an energy efficiency statement.

The developer has demonstrated that measures to save energy, to ensure water is used efficiently and is recycled, and to ensure waste is recycled will be incorporated into the development. The proposal therefore meets the requirements of policy 14 of the CSS and the Sustainable Design SPD.

Conclusion

S. 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. By virtue of the siting, size, design and appearance of the proposed dwelling it would not have a detrimental impact upon

the visual amenity or character of the street scene or surrounding area, and would not be harmful to the amenities of neighbours. Furthermore, subject to conditions the proposal would not have an adverse impact upon the biodiversity of the site and would not result in harm caused by contamination. In addition, due to the position and design of the proposed access it is considered that the proposal would not have an adverse impact upon highway safety. The proposal therefore accords with PPS1, PPS3, PPG13, Policies 1, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, Policy 35 of the Local Plan and the Sustainable Development SPD.

Background Papers

Title of Document:

Date:

Contact Officer:

Fjola Stevens, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

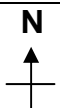
Date:

SITE LOCATION PLAN

38 Alexandra Road, Desborough
Application No.: KET/2010/0647



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