

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 27/03/2012</b>	<b>Item No: 5.10</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2012/0016</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>172 Neale Avenue (land adj), Kettering</b>	
<b>Proposal</b>	<b>Full Application: Single storey 3 bedroom dwellinghouse</b>	
<b>Applicant</b>	<b>A P Lewis &amp; Sons Ltd</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. Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out:

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must 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 condition 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, must 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,
  - ground waters and surface waters,
  - ecological systems,
  - archaeological 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 condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition C.

#### E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'].

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 in accordance with PPS23: Planning and Pollution Control.

3. No development shall commence on site until a scheme for the implementation of a programme of archaeological works in accordance with a written scheme of investigation, has been submitted 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 ensure that features of archaeological interest are properly examined and recorded in accordance with PPS5: Planning and the Historic Environment.

4. The development hereby permitted shall not be carried out other than in accordance with the amended plan numbers 1a and 2a received 8th March 2012.

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

5. No development 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: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The development hereby permitted shall not be first occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the access of the site with the public highway, and the vehicle parking area has been constructed, surfaced and marked out in accordance with the approved details. The parking provision and visibility splays shall thereafter be retained in that form and reserved for the parking, loading and unloading of vehicles.

REASON: In the interests of highway safety in accordance with policy 13 of the North

Northamptonshire Core Spatial Strategy.

7. Any gates provided at the point of access to the site shall be hung so as to open inwards into the site only.

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

Notes (if any) :-

- Regarding the investigation and recording of archaeological remains at the site, please contact the County's archaeological advisor, Liz Mordue on 01604 366192 or [lmordue@northamptonshire.gov.uk](mailto:lmordue@northamptonshire.gov.uk) for a brief for the programme of works.

The applicant is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters.

This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner.

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](http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf)

If you wish to discuss the requirements of the investigations further please contact Mr. Chris Stopford, Environmental Services Manager on (01536) 534280; or email at [contaminatedland@kettering.gov.uk](mailto:contaminatedland@kettering.gov.uk)

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

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1, 3, 5 and 23, Planning Policy Guidance Note 13, Policies 2, 26 and 48 of the East Midlands Regional Plan, and Policies 9, 13 and 14 of the North Northamptonshire Core Spatial Strategy. The issue relating to the parking provision is a material planning consideration and, in reaching the decision to approve the proposal, has been carefully weighed against all relevant policy considerations.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

None.

#### **Site Description**

Officer's site inspection was carried out on 01/02/2012.

The application site is located to the north of Kettering Town Centre in a long established residential area and is located on land previously part of the garden of the adjacent property at No.172 Neale Avenue.

The application site consists of a plot of land 12.4 metres wide by 28.3 metres deep laid to lawn and planting with boundary treatment on the northwest, southeast and southwest elevations but none at present adjacent to No.172 Neale Avenue. The boundary treatment is a mixture of 1.8 metre high wooden panel fencing at the front and 1.2 and 1.8 metre high walling and wooden fencing at the side and rear, in front of which there is hedging and planting in places.

There is a single detached flat roofed pre-fabricated garage at the northern corner of the application site set back from the back of the highway with a visibility splay across the front of No.172 Neale Avenue.

The application site and No.172 Neale Avenue are in the same ownership although they are independent sites and the use of the garage on the development plot by the occupiers of No.172 is prohibited.

Single and two-storey semi-detached and detached residential properties surround the site ranging in age and style from Victorian/Edwardian to development from the 1990s and 2000s.

#### **Proposed Development**

The original proposal was for the erection of a single storey detached 3 bedroom dwellinghouse with a pitched roof and an integral single garage.

Amended plans were sought for the proposed dwellinghouse to address the notional building line in the area, to remove the integral garage and amend the width and some of the design details to better reflect the character and appearance of surrounding development and the wider street scene.

The resultant proposal is therefore for a single storey detached 3 bedroom dwellinghouse with a pitched roof and an off road parking space.

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

None.

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

##### **Northamptonshire County Council Archaeology**

- Recording condition as archaeology may be present.

##### **Environmental Health**

- No objection.
- Conditions requested regarding contaminated land.

##### **Neighbours**

163 Neale Avenue

- **Objection.**
- The new dwelling removes the garage for No.172 Neale Avenue and provides no replacement. On street parking will increase in an area with numerous cars parked on the road due to lack of garages.
- The new dwelling indicates 3 parking spaces for its use but this is unlikely due to the tight manoeuvring required.
- The new dwelling is out of keeping with this part of Neale Avenue, as a brick only structure will not fit in with the combination of brick and render in the area.
- The new building is oversized for its plot and is set back but the rear line of the building extends well back from an apparent rear building line, ensuring the proposal dominates both the adjacent properties.
- Drawing a line 45 degrees from the back of the new building blocks out the rear elevations of both Nos.166 and 172 losing them their right to light.
- Little effort made to provide renewable energy sources.
- There are discrepancies between the application form and other details provided.

##### **Reconsultation carried out 13/03/2012**

Only neighbours and objectors were reconsulted as advice provided by statutory consultees regarding archaeology and contaminated land would not be affected by changes to the character and appearance and siting of the proposed development within the plot.

163 Neale Avenue

- **Objection.**
- Although the proposal has been amended to suit the right to light issues, the parking is now even worse – 1 parking space for a 3 bedroom property.
- No consideration taken of the loss of the garage for the original dwelling at No.172.

#### **5.0 Planning Policy**

##### **National Policies**

PPG13. Transport

PPS1. Delivering Sustainable Development  
PPS3: Housing  
PPS5. Planning and the Historic Environment  
PPS23. Planning and Pollution Control

### **Development Plan Policies**

#### **East Midlands Regional Plan**

Policy 2. Promoting Better Design

Policy 26. Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 48. Regional Car Parking Standards

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

Policy 9. Distribution and Location of Development.

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

### **6.0 Financial/Resource Implications**

None

### **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The principle of development
2. The effect of the proposal on the character and appearance of surrounding development and the wider street scene.
3. The effect of the proposal on the living conditions of residents either side/nearby.
4. The effect of the proposal on parking and highway safety.
5. The effect of the proposal on contaminated land.
6. The effect of the proposal on sustainable construction and energy efficiency.
7. The effect of the proposal on archaeology.

#### **The Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with their Development Plans unless material planning considerations indicate otherwise.

In this location, in an established residential area, within 2km of Kettering Town Centre and all its amenities, the principle of residential development is strongly supported by the aims and objectives of policies within the Development Plan:- policy 2 and 48 of the East Midlands Regional Plan, and policies 9, 13 and 14 of the Northamptonshire Core Spatial Strategy seek to ensure that suitable land is used for residential development; that residential development is of a high standard of design and is sustainable in construction techniques; it meets renewable and efficient energy objectives, and is located in a sustainable

location which minimises the need for reliance on car ownership.

The Development Plan objectives are further supported by National policy advice contained within PPS1: Delivering Sustainable Development, PPS3: Housing and PPG 13: Transport. The principle of development is therefore established subject to the character of the development, impact on neighbouring dwellings and the safety of the highway network being satisfactory.

### Character and Appearance

Neale Avenue presents a variety of different house types, sizes and materials, all in a range of ages, resulting in there not being a defining style of development within the street scene. There is however a notional building line, evident on both sides of Neale Avenue, which slightly sets back the dwellinghouses from the back of the highway edge, providing space for a small front garden area for each property. In addition, irrespective of plot width, the various styles of dwellinghouse sit comfortably within their plot ensuring no one dwellinghouse appears incongruous in its setting, or has an overbearing impact on its adjacent neighbour.

The original plans proposed a single storey dwellinghouse, set back 5 metres from the back of the highway edge, which together with its width in the plot appeared to be dominated by the two-storey dwellings on either side, both of which are no more than 1 metre from the application site boundary edges. Although there are other single storey dwellinghouses adjacent to two-storey dwellinghouses nearby, these have more space between them to allow each residential unit to be read individually.

In addition, an integral garage is not a feature common to surrounding development or within the wider street scene. As such, all these features combined resulted in an incongruous proposal, which would have had an adverse impact on the character of surrounding development and the wider street scene, contrary to policy 2 of the East Midlands Regional Plan and policy 13(h) of the North Northamptonshire Core Spatial Strategy which require new development to respect and enhance the character of its surroundings.

Amended plans removed the integral garage and replaced it with an off-road parking space, brought the front elevation in line with the dwellinghouse to the southwest, and reduced the width of the part of the front elevation closest to the highway which serves to divide the front elevation. As such, this allows the proposed single storey dwellinghouse to be read as part of the street scene and reduces any perception of overbearing caused by the two-storey dwellinghouses on either side.

As there are a variety of styles and materials in surrounding development, in order to ensure the overall character and appearance of the wider area is to be respected, a condition will be added requiring materials to be approved by the Local Planning Authority.

An area of hardstanding is proposed in the front garden and as the materials



proposed are permeable, this benefits from a planning permission granted by Class F, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, as amended (the GPDO).

As such, subject to the imposition of a materials condition, it is considered the proposed dwellinghouse will be reflective of the character and appearance of surrounding development and the wider street scene as required by policy 2 of the East Midlands Regional Plan and policy 13(h) of the North Northamptonshire Core

Spatial Strategy which require new development to respect and enhance the character of its surroundings.

#### Residential Amenity

An objector stated that the rear line of the original scheme submitted extended well back from the apparent rear building line, ensuring the proposal dominated both the adjacent properties. Building lines tend to relate to front elevations rather than rear elevations and have regard to the character and appearance of a property in relation to its neighbours, and its impact on the public realm. Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, as amended (the GPDO), grants a planning permission for residential properties to extend by 3 to 4 metres to the rear, which overrides any notional rear building line.

An objector stated that the back of the new building would lose both adjacent neighbours their right to light by virtue of its length. The revised plans move the proposed dwellinghouse forward in the plot reducing the length in relation to the neighbouring properties, resulting in there being no adverse impact on the amenities of surrounding neighbours due to loss of light.

In addition, Class A, Part 2, Schedule 2 of the GPDO allows boundary treatments between neighbouring properties to be up to 2 metres in height above ground level, the consideration being that any loss of light is not significant enough to result in a loss of neighbour amenity.

Class A, Part 1, Schedule 2 of the GPDO also allows structures with an eaves height of up to 3 metres to be built within 2 metres of the boundary of the curtilage of a dwellinghouse. The proposal is single storey with an eaves height of 2.6 metres within 2 metres of the boundary and as such, in terms of the GPDO will not result in a loss of light considered significant enough to result in an adverse impact on neighbour amenity. In addition, the rear elevation of the proposal, together with the existing properties, has a southeast orientation such that the rear gardens benefit wholly from the east to west path of the sun, resulting in negligible loss of sunlight or daylight.

As such, the proposal complies with policy 13(l) of the North Northamptonshire Core Spatial Strategy which requires new development not to adversely impact on the amenities of surrounding neighbours.

#### Parking and Highway Safety

As described previously, the Development Plan policies support the location of residential development which is not reliant upon car use.

One of the objectives of PPG13: Transport, in paragraph 4.3 is to *'reduce the need to travel, especially by car'* by *'accommodating housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling'* (paragraph 6.3)

Paragraph 51 states that parking standards *'should be designed...to promote sustainable travel choices'*.

PPS1 and PPS3 also promote development that is easily accessible and well connected to public transport which reduces the need to travel.

Policy 48 of the East Midlands Regional Plan seeks that car parking facilities in excess of maximum standards in PPG13 should only be provided in exceptional circumstances.

The scheme proposed provides one on-site parking space. The prevailing character in the wider area for the older residential properties is for narrower plots with on-street parking facilities. Where infill development has taken place, the plots are wider and there are examples of some off-road parking provision.

There is an existing garage on the application site which is not in use as a parking space. As stated previously, No.172 Neale Avenue and the application site are in the same ownership although they are independent sites and the use of the garage on the development plot by the occupiers of No.172 is prohibited by the owners.

The loss of this garage and its replacement by a parking space as part of the new development, will not lead to a significant increase in the requirement for on-street parking in this area as the occupiers of No.172 already have to make use of on-street parking. In addition, the highway along Neale Avenue is set aside for on-street parking, and there are few parking restrictions in the form of highway markings preventing this use. Also, to the east of the site, less than 30 metres away, is Hallwood Road, running between Neale Avenue and Kingsley Avenue to the south and between Neale Avenue and Blandford Avenue to the north, which provides additional on-street parking along the side elevations of the properties adjacent to this highway.

It is considered that, along with the ability for on-street parking, the provision of one on-site parking space is not an under-provision when compared with the parking provision enjoyed by surrounding occupiers. A further consideration is the fact that the site is also within walking distance (2km) of Kettering Town Centre and there is a regular bus service along Neale Avenue, lessening the requirement for a parking provision at the site when there other sustainable modes of transport.

The proposal therefore complies with the aims and objectives the Development

Plan polices - policy 48 of the East Midlands Regional Plan and policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy which requires new development not to result in excessive on-street parking to the detriment of the highway network and pedestrian and highway safety, and takes into consideration National Planning Policy Guidance in PPG13: Transport.

#### Contaminated Land

Due to the underlying geology present throughout Northamptonshire, 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 is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site is necessary to assess the extent of contamination which will then inform a remediation scheme. This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with PPS23.

#### Sustainable Construction and Energy Efficiency

Policy 14(b) of the North Northamptonshire Core Spatial Strategy states that development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency. A condition is to be added for the details to be carried out in accordance with the details submitted on 10<sup>th</sup> January 2012 in the Sustainability Appraisal/Strategy and Energy Statement.

#### Archaeology

The County Historic Environment Record indicates that the site lies in the area of an historical Romano-British town, as identified from finds made during previous quarrying and minor excavation works. To the west of the site was a Romano-British cemetery and there is the potential for remains of archaeological interest to survive. The proposed development is likely to have a detrimental impact upon and archaeological deposits present. In order to overcome this, a condition is to be added requiring investigation and recording of any remains that are affected prior to the commencement of development at the site. This is in line with the aims and objectives of National guidance in PPS5: Planning for the Historic Environment.

#### Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this regard the proposed development is strongly supported by the aims and objectives of the Development Plan policies listed in the report, and there are no material considerations which would outweigh the Development Plan subject to the imposition of the recommended planning conditions.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

## SITE LOCATION PLAN

172 Neale Avenue (land adj), Kettering  
Application No.: KET/2012/0016



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