

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/06/2012	Item No: 5.10
Report Originator	Alison Riches Development Officer	Application No: KET/2012/0269
Wards Affected	St. Peters	
Location	19 Westhill Drive (land adj), Kettering	
Proposal	Full Application: Single storey dwelling	
Applicant	Mr M McNamara	

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. 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 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.

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 section 12 of the National Planning Policy Framework.

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 protect the privacy of the occupiers of adjacent properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. 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.

5. The development hereby approved shall be carried out in accordance with the sustainable construction and energy efficiency techniques detailed in the Planning, Design and Access Statement received on 16th April 2012.

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

6. No development shall take place on site until a scheme for boundary treatment for the front (north) elevation has been submitted to and approved in writing by the Local Planning Authority. The building shall not be first 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 properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The window on the south elevation shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjacent properties at No.16 Westhill Close and No.21 Westhill Drive and to prevent overlooking 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 and C shall be made in the east and south elevations, or in the south roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjacent properties at No.16 Westhill Close and No.21 Westhill Drive in accordance with policy 13 of the

North Northamptonshire Core Spatial Strategy.

9. The development hereby permitted shall not be first occupied, until the vehicle parking spaces have been constructed, surfaced and marked out in accordance with the approved details, and that area shall thereafter be 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.

10. Notwithstanding the details shown on the approved plan, no development shall commence until visibility splays of 2.4 metres by 2.4 metres have been provided at the access with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

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

11. 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) :-

- 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 therefore the required investigations must take naturally occurring contaminants 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 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.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Sections 4, 6, 7 and 11 of the National Planning Policy Framework, Policies 2 and 48 of The East Midlands Regional Plan, Policies 1, 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

KET/2007/0892. Detached new dwelling. Refused 12/11/2007.

- The applicants appealed against the refusal which was dismissed on 15th May 2008.

KET/2006/0271. Bungalow. Refused 16/05/2006.

KE/04/0508. New bungalow. Refused 06/07/2004.

KE/04/0204. Outline for one bungalow. Refused 19/04/2004.

Site Description

Officer's site inspection was carried out on 20/04/2012.

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

The application site is a plot of land approximately 20 metres by 14 metres (site area of 280m²), and is part of the rear garden of No.19 Westhill Drive. It has been fenced off to form a separate plot.

No.19 Westhill Drive is located at the corner of Westhill Drive and Westhill Close, and the application site will have its frontage facing onto Westhill Close.

Surrounding development on the east side of Westhill Drive, to the north of the application site, and on the south and east sides of Westhill Close, to the east of the application site, comprises two-storey semi-detached dwellinghouses with side facing gable roofs and a pebbledash rendered panel between ground and first floor elevations with large horizontally emphasised fenestration, built in the early 1960s and reflective of the general style of the time. Other properties in Westhill Close, on the north side, were also built in the early 1960 but are two-storey detached brick built properties with front facing gables, asymmetrical roofs and large horizontally emphasised fenestration.

In Westhill Drive, to the south and west of the application site, surrounding development is predominantly single storey detached gable roofed dwellinghouses with small gable projections from the front elevation, and it is from these the proposed dwellinghouse takes its design guidance.

Proposed Development

The proposal is for full planning permission for a single storey detached dwellinghouse set in 280m² of land.

The footprint, proportions and location within the site are the same as a proposal submitted under reference KET/2007/0892 which was refused and subsequently dismissed at appeal.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

Environmental Health

- No objection.
- Request contaminated land condition

Neighbours

15 Westhill Close

- **Objection.**
- Originally purchased property due to low density of housing in the area.
- Putting further houses in what appears to be back gardens would eventually ruin the outlook of a previously well planned estate.
- Proposed building would not fit with the 1950/60 era and would look obtrusive.
- If allowed on this or other plots in the Close would cause vehicle congestion and possibly overload our services.
- Seems unfair to the adjacent properties to have their quality of life ruined because of speculation and development.

16 Westhill Close

- **Objection.**
- Location of the property is in similar position to a previously rejected application.
- Size of development land not increased from previous applications but these were all refused on grounds of 'insufficient space'.
- Prior to the development of No.19 Westhill Drive and the subsequent division of the land into two plots there was a well established Walnut Tree which was enjoyed by the local wildlife.
- Though we have a row of established conifer trees that will help to hide this development, should this application go ahead, we will be forced to retain them e.g. hindering plans for our driveway.
- A 1 bedroom bungalow on a small amount of land would not be in keeping with surrounding properties.

21 Westhill Drive

- **Objection.**
- Small amenity space.
- Proximity to fence of 21 Westhill Drive.
- Velux windows could be opened and overlook neighbouring garden.
- Cooking smells from kitchen.
- Driveway onto already narrow road.
- Low density housing – neighbouring properties have large amenity space.
- Several previous applications refused including Planning Inspectorate.
- Why two parking spaces for single persons dwelling?

5.0 Planning Policy

National Planning Policy Framework

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment

Development Plan Policies

East Midlands Regional Plan

- Policy 2. Promoting Better Design
- Policy 48. Regional Car Parking Standards

North Northamptonshire Core Spatial Strategy

- Policy 1. Strengthening the Network of Settlements
- Policy 9. Distribution & Location of Development
- Policy 10. Distribution of Housing
- Policy 13. General Sustainable Development Principles
- Policy 14: Energy Efficiency and Sustainable Construction

Local Plan for Kettering Borough

- 35. Housing: Within Towns

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 energy efficiency and sustainable construction.

1. 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 the Development Plan unless material planning considerations indicate otherwise.

The application site forms part of the residential curtilage of No.19 Westhill

Drive and is located in an established residential area to the west of Kettering with existing transport links to the town centre. A previous application for a single storey dwellinghouse of the same footprint and proportions, and sited in the same location within the site, was submitted under reference KET/2007/0892, refused and subsequently dismissed at appeal.

In dismissing the appeal, the Planning Inspector did not discuss the principle of residential development, instead considered only the issues of whether the proposal would be in keeping with its surroundings, and whether it would unduly restrict the amount of amenity land remaining at No.19 Westhill Drive.

In considering only these issues, the Planning Inspector established the principle of development at the application site, subject to the satisfaction of the main issues raised.

Since the appeal was dismissed on 15th May 2008, the following policy amendments have been made:

- 27th March 2012 – Planning Policy Guidance Notes and Planning Policy Statements replaced by the National Planning Policy Framework.
- 12th March 2009 - RSS8 replaced by the East Midlands Regional Plan.
- 12th June 2008 – Some policies from The Northants County Structure Plan and the Local Plan for Kettering Borough have been replaced by the North Northamptonshire Core Spatial Strategy (CSS).

Some policies in the Local Plan have been saved in conjunction with the issue of the North Northamptonshire Core Spatial Strategy, of which policy 35 remains valid for this application.

With respect to the policy changes, 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. The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area where Policy 35 is supportive of proposals for residential development in principle. Policies 1 and 9 of the Core Spatial Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development. Policy 10 of the CSS establishes that Kettering will provide a focal point for residential development.

Policy 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy support new residential development provided there is no adverse impact on character and appearance, residential amenity highway safety and the highway network.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2. Character and Appearance

The appeal proposal had the same footprint and proportions, and was sited in the same location within the site as the proposal submitted for this application.

In dismissing the appeal against KET/2007/0892, the Planning Inspector discussed the issue of the relationship of the submitted proposal with its surroundings.

The Planning Inspector opined that given -

'the variety of dwelling types in Westhill Close, the front elevation of the appeal bungalow would not appear unduly out of place. The sides ... would be screened from public view ... so the relatively small size of the building, compared with other buildings nearby, would not be readily apparent.'

The Inspector also stated that -

'the plot width at the road frontage would not be less than those nearby in Westhill Close and in that respect would not appear incongruous.'

And –

'the spacing ... would not be less than between most other adjacent pairs of properties nearby'.

The Inspector concluded that -

'Providing suitable external materials were used in the building then the proposed development would not be inappropriate by virtue of its design or apparent scale.'

The submitted proposal for this application follows the same building line as the adjacent property to the east at No.16 Westhill Close, as well as being in line with the side elevation of No.19 Westhill Drive, the adjacent property to the west.

Objections to the proposed scheme include the issue of the area having low density housing with large private amenity spaces, the proposal not fitting with the 1950s/1960s era, and ruining the outlook of a previously well planned estate by putting a house in the back garden.

In terms of these objections, and in line with the Planning Inspectors comments, the proposed development although small would have a street frontage in Westhill Close comparable to the semi-detached properties adjacent, its design is comparable with the single storey properties in Westhill Drive to the west, and it would not appear out of character due to the variety of dwelling types in the surrounding area.

As the application site has been separated from the rear garden of No.19 Westhill Drive, there is 1.8 metre high wooden panel and close boarded fencing on all boundaries of the site. The existing front boundary also has a small retaining wall below the wooden fencing, and has 1.8 metre high wooden gates at the eastern edge with a dropped kerb at the highway edge in front of them. A condition will be added requesting boundary treatment for the new dwelling to ensure the front elevation maintains the character and appearance

of surrounding development and the wider street scene.

With respect to future infill development, the layout of the estate is such that this would be restricted to corner plots only, of which there are few opportunities remaining in the vicinity of the application site. Previously permitted infill development has resulted in Nos. 1a, 8, 8a 22a and 24 Westhill Drive. The plots at Nos. 8 and 8a were originally a single plot to be developed as part of the single storey development in that part of Westhill Drive but the plot was subsequently subdivided in 1961 to provide the two bungalows.

In terms of character and appearance, policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to respect and enhance the character of its surroundings. Subject to the imposition of a condition to control the use of suitable external materials, the general appearance, proportions and location of the proposed dwellinghouse will conform to policy 13(h) of the North Northamptonshire Core Spatial Strategy and will be in character with surrounding development and the wider street scene.

3. Residential Amenity

The appeal proposal had the same footprint and proportions, and was sited in the same location within the site as the proposal submitted for this application.

The appeal against KET/2007/0892 was dismissed on the grounds that the submitted proposal would lead to intervisibility with the neighbouring property due to the lack of rear amenity space, and that to overcome this by addition of a condition would lead to a loss of natural light to habitable rooms in the proposed building, which would be unreasonable due to the effect on future occupiers of the property.

To overcome the reasons for the dismissal of the appeal, the applicants have changed the internal layout of the proposal to move the bathroom to the rear with a small obscure glazed window in the rear (north) elevation, and the bedroom to the front (south). They have also removed the kitchen window and door from the rear (north) elevation and put them in the side (east) elevation with two no. roof lights in the north facing plane of the roof.

These alterations, and the fact that the eaves height of the proposal at 2.4 metres high will result in only 0.6 metres of the proposal being visible above the existing 1.8 metre boundary fencing, will remove the issue of intervisibility with the neighbour at No.16 Westhill Close and provide future occupiers with sufficient natural light. The relatively low height of the proposal, and the removal of all habitable room windows from the rear (north) elevation, also means that its proximity to the boundary fence with No.21 Westhill Drive will not lead to any intervisibility or loss of other amenity to this neighbour.

The insertion of the roof lights in the north facing roof plane will not allow the future occupiers to overlook any of the neighbouring properties as the proposed development is single storey and the bottom of the roof lights is 2.7 metres from ground level. In addition, due to the orientation of No.16 Westhill

Close to the proposal the occupiers of this property will not be able to look into the roof lights from their first floor windows. The landing window of No.16 directly overlooks the application site, but as the side elevations of the two properties are 8 metres apart, this will not lead to direct overlooking of the application proposal, or of their private amenity space.

A neighbour has objected to cooking smells from the kitchen. Due to the siting and close proximity to each other of the properties in the vicinity of the application site, it is unreasonable to suggest that the proposal will lead to any more loss of amenity to neighbours in respect of odour emission than is currently experienced by the neighbours in the general running of their household in relation to their surrounding neighbours.

In terms of the provision of amenity space, by its siting at the southeast corner of the application site, and by rearranging the internal layout so that the habitable rooms are to the north and west of the proposal, this will allow the proposed dwellinghouse will have an area of 168m² (12 metres by 14 metres) of private amenity space to its west, and will result in an area of garden land comparable to the remaining garden of No.19 Westhill Drive as well as that provided for the infill development in the surrounding vicinity.

At the time of the appeal in May 2008, policy 37 of the Local Plan for Kettering Borough required there to be adequate space about buildings. Supplementary Planning Guidance Note 6 reiterated this and set out standards for layout which included a minimum depth of rear private amenity area of 10 metres. Since the appeal decision, both the Local Plan policy and the Supplementary Guidance Note have been replaced by policies in the North Northamptonshire Core Spatial Strategy, in particular policy 13, which requires new development to not result in an unacceptable impact on the amenities of neighbouring properties.

As such, the requirement to specifically provide a minimum depth rear amenity area has been removed and replaced with a requirement to not have an unacceptable impact on the amenities of neighbouring properties.

It is therefore considered that the provision of a private amenity area to the side of the new dwellinghouse reflects the requirement of policy 13, subject to the imposition of conditions retaining obscure glazing in the bathroom window, preventing further openings in the east and south elevations and in the south roof plane, and securing the finished floor levels.

The proposed dwellinghouse overcomes the issues raised by the previous refusal of planning permission and in the dismissed appeal, and conforms to policy 13(l) of the North Northamptonshire Core Spatial Strategy which requires new development not to result in an unacceptable impact on the amenities of neighbours or the wider area.

4. Parking and Highway Safety

Given the location of the application site, its proximity to the junction with Westhill Drive, and the lack of space for suitable on-street parking, the

provision of two parking spaces at the site is acceptable, subject to the provision of visibility splays within the site and no boundary treatment above 1 metre within the visibility splays. Conditions will be added in this regard together with the need to hang any gates at the point of access inwards.

This will conform to policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy which requires new development to have a satisfactory means of access and not to have an adverse impact on the highway network or to prejudice highway safety.

5. 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 section 11 of the National Planning Policy Framework.

6. Energy Efficiency and Sustainable Construction

Policy 14 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 will be added to ensure energy efficiency and sustainable construction is carried out in accordance with the details included in the Planning, Design and Access Statement submitted with the planning application.

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. The application is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

19 Westhill Drive (land adj), Kettering
Application No.: KET/2012/0269



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