

BOROUGH OF KETTERING

Committee	Full Planning Committee - 09/10/2012	Item No: 5.2
Report Originator	Chris Rose Development Officer	Application No: KET/2012/0260
Wards Affected	St. Michaels and Wicksteed	
Location	8 Spinney Lane, Kettering	
Proposal	Full Application: Demolition of existing bungalow and redevelopment to provide 2 no. dwellings.	
Applicant	Mr J Murphy	

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 parts 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, - groundwaters 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(or any model procedures revoking and replacing those model procedures with or without modification)'.

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 Policy 13 of the Core Spatial Strategy and paragraphs 120-121 of the National Planning Policy Framework.

3. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in

accordance with Section 12 of the National Planning Policy Framework.

4. No development shall commence on site until details of the types and colours of all external facing and roofing materials, and doors and windows, 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.

5. 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 development 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.

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

7. 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 adjoining properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. Before the development hereby permitted is begun, 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 be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: In the interests of sustainable development in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy and the North Northamptonshire Sustainable Design SPD.

9. A visibility splay will be provided at the junction of the access road with Spinney Lane which will be 2m x 2m kept free of obstacles to visibility over 0.8 metres in height above carriageway level. The sight lines shall thereafter be permanently retained.

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

10. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers SP/01A (received by the Local Planning Authority on 03.08.12) and SP/02C (received by the Local Planning Authority on 24.08.12).

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

11. The window on the east roof plane of the eastern dwelling 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.

12. 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 1st floor of the east elevation or east roof plane of the eastern dwelling; or in the 1st floor of the west elevation or west roof plane of the western dwelling.

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.

13. 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 building, structure or other alteration permitted by Schedule 2, Part 1 Classes A, D or E of the Order shall be constructed on the application site.

REASON: To protect the character of the area and surrounding residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Sections 6 and 7, and paragraphs 7 and 17 of the National Planning Policy Framework, Policies 2 and 3 of The East Midlands Regional Plan and Policies 1, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy. 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 09/07/2012. The site is a detached bungalow and its curtilage which includes gardens, a large driveway and a detached double garage.

The dwelling is relatively modern and brick built with a pitched roof with a varied roof line. The bungalow is set back in the plot and a high hedge fronts onto Spinney Lane.

The area is characterised by large detached dwellings in large plots with sizeable gardens. The lane is leafy and characterised by narrow accesses and dwellings set back behind hedges and planting. The road is not an adopted highway.

Proposed Development

Demolition of existing bungalow and redevelopment to provide 2 no. dwellings.

The proposal involves a large principal dwelling with a smaller link-attached dwelling to provide stand-alone living accommodation for a senior family member.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

Kettering Borough Council Environmental Health

No objection. Condition recommended relating to contaminated land.

Northamptonshire County Council Archaeology

No objection. Condition recommended relating to an archaeological programme of works.

Neighbours

Two representations received. Objections raised in relation to:

- Loss of light to no. 10 Spinney Lane due to proposed chimney
- Loss of privacy to no. 10 Spinney Lane from proposed velux window
- 8 bedrooms is an overdevelopment of the site
- Increased number of vehicles / traffic (x2)
- Development is out of character
- 8 bedrooms will detract from the area

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17 – Core planning principles

Section 6 - Delivering a wide choice of high quality homes

Paragraph 51 - Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Development Plan Policies

East Midlands Regional Plan

Policy 2 - Promoting Better Design

Policy 3 - Distribution of New Development

North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements

Policy 9 - Distribution and Location of Development

Policy 10 – Distribution of Housing

Policy 13 - General Sustainable Development Principles

Policy 14 - Energy Efficiency and Sustainable Construction

Local Plan

Policy 35 - Housing within towns

Supplementary Planning Guidance

North Northamptonshire Sustainable Design SPD

Other Planning Guidance

Northamptonshire County Council Highways Authority Standing Advice

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, layout and character
3. Impact on residential amenity
4. Access, highways and car parking
5. Sustainable design
6. Boundary treatments and landscaping
7. Refuse storage and collection
8. Contaminated land

1. Principle of development

Section 6 of the National Planning Policy Framework (NPPF) requires Local

Planning Authorities to take a positive approach to proposals for residential development and to consider applications for housing in the context of the presumption in favour of sustainable development.

The dwelling is located within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area. Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy (CSS) direct development to existing urban areas and indicate that Kettering is a 'Growth Town'. Policy 10 of the CSS establishes that Kettering will provide a focal point for residential development. This approach is further supported by East Midlands Regional Plan (EMRP) Policy 3, which indicates that significant levels of growth should be located within Kettering.

The site is surrounded by residential development in an established residential area and is already home to a single dwelling. The overarching principle of residential use in this location is, therefore, established and in accordance with national, regional, sub-regional and local policy.

2. Design and layout

Policy 13 of the CSS requires new development to be of a high standard of design and architecture; to respect and enhance the character of its surroundings; and to create a strong sense of place by strengthening distinctive historic qualities and townscape through its design. This approach is reflective of Policy 2 of the EMRP which requires a good standard of design and respect for surrounding character. Section 7 of the NPPF sets out the importance of good design and underlines how good design is indivisible from good planning and sustainable development.

Spinney Lane and its environs are closely linked to the illustrious Wickstead Park estate. The area has a distinctive, leafy, green and tranquil character and one can be forgiven for imagining one is in a verdant, halcyon oasis as opposed to the rambunctious heart of urban Kettering. Spinney Lane and its surroundings are characterised by large dwellings and individual, detached built units, set back in plots peppered with mature vegetation and specimen trees. There are a mix of dwelling types, building masses and heights; from single storey bungalows to 2 storey dwellings. There are numerous examples in the vicinity of large, detached dwellings. Architectural styles are mixed but predominant characteristics are large dwellings: of 1–1.5 storeys; with varying rooflines often punctuated by dormer windows; set back from the road; with narrow points of access; and set behind hedges. The proposed design broadly reflects these characteristics.

Objections have been received citing that an 8 bedroom dwelling constitutes an overdevelopment of the plot. In the absence of a local policy or guidelines, the number of bedrooms an applicant wishes to include in a proposed dwelling is not a material planning consideration. Notwithstanding this it is clear that the 2nd dwelling is a standalone structure with its own point of access and the applicant has made it clear that this will be used for self-contained living accommodation for a senior family member. A maximum of 3 small bedrooms (2 1st floor and a room labelled as a bedroom on the ground floor) in this

dwelling is considered a reasonable amount. The principal house has an unusual 1st floor layout with 3 bedrooms accessed via the main staircase and a further separate 1st floor area described as an 'Annex' and 'Guest bedroom' accessed via a staircase in a room labelled as a 'store' behind the double garage. There is no evidence to suggest the 2 first floor rooms would be used as everyday bedrooms, with access to the area fairly inconvenient. More likely the room labelled guest bedroom would be just that and the room above the garage used as ancillary living space, for example a games room. In any case a 5 bedroom family home on a plot of this size would not be considered an over-development or out of character with the wider area in which there are numerous examples of very large detached 'villa' style family homes. This objection would not, therefore, be a sustainable reason for refusal and the scale, mass, height and design of the proposal is considered to be appropriate to the character of the area.

Because of the design, the proposal does not read as sub-division of the plot; as an overdevelopment of the site with 2 distinct dwellings; nor as a scheme where a 2nd inappropriate dwelling has been 'crammed in'. Instead the design reads as one distinct built unit, within the plot. The 2nd dwelling is link-attached to the principal one and its garage and shares one relatively narrow point of access, as is the character in the vicinity. The proposed new structure is similar to dwellings in the surrounding area which have been extended over time, comprising as it does several staggered, linked elements.

Whilst the design comprises a linked dwelling subdividing this from the principal dwelling (for example by fencing off the rear garden) at some point in the future would not be to the detriment of the surrounding character. It is therefore considered that it would be unreasonable to impose a condition requiring the smaller dwelling to remain as separate living accommodation for the senior family member in perpetuity.

In terms of architectural style, the proposed rambling, staggered roofline, chimneys and 1st floor fenestration are reflective of character in the locale and add visual points of interest. As does the glazed architectural feature porch which forms the centrepiece of the front elevation of the principal dwelling.

In terms of layout, the principal built line and set back is consistent with the rest of the lane and a reasonable balance is struck between built form, access and car parking provision and garden space / landscaping. It is considered that this would sufficiently preserve the green, leafy character of the area. In order to protect this character, it would be undesirable to see any more of the plot taken up by buildings or extensions. For this reason a condition could be imposed removing Permitted Development rights for such alterations.

In summary; the proposed design and layout are considered to be appropriate, of a good quality and in accordance with the policy context outlined above.

3. Impact on residential amenity

Paragraph 17 of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings.

Policy 2 of the EMRP states that development must maintain amenity and privacy. Policy 13(l) of the CSS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed dwellings would be larger in terms of scale and mass than the existing bungalow. However, surrounding dwellings are set in large plots at low density and the site is well screened by mature vegetation. Dwellings meander with the wistful curvature of the lanes, increasing the space between dwellings. There are large separation distances between the closest extent of the proposed dwellings and the site's neighbours:

- To the north (front) no.s 7 and 9 Spinney Lane – 16m
- To the south (rear) no. 14 Paradise Lane – 30m
- To the east (side) no. 10 Spinney Lane – 11m
- To the west (side) no. 6 Spinney Lane – 9m

Because of these distances, and the layout and orientation of the proposed dwellings and their surrounding dwellings, it is not considered that there would be any overbearing or loss of light impacts arising from the proposal. The design has also been composed as such to mitigate any potential impacts from the proposal on neighbouring residences. The principal dwelling is 1.5 storeys high with a maximum ridge height of 6.8m, an eaves height of 2.3m and an upper floor window height of 4m; whilst the 2nd dwelling is a mono-pitch 1.5m structure with an eaves height of 2.6m, a ridge height of 6.5m and an upper floor window height of 3.8m. This compares to the existing dwelling which has a high roofline (for a bungalow) of around 6m. The replacement buildings would, therefore, only be 80cm taller at their highest point than the existing, mitigating the potential loss of light or overbearing impacts of the redevelopment.

An objection cited that the 6m tall chimney on the east elevation of the smaller dwelling would be overbearing to and block light to no. 10 Spinney Lane. A revised plan was submitted on the 24/08/12 proposing a chimney reduced by almost 1m to 5.25m. The chimney would, by definition, be a narrow structure measuring 0.7m wide x 5.25m high, sited some 14m west of the closest point of no. 10 Spinney Lane at an angle of around 55°. Because of this distance, angle and orientation with the sun (coupled with the reduced size of the chimney) it is not considered that anything other than a nominal impact would be noticeable to no. 10 Spinney Lane.

In terms of overlooking, no windows are proposed on the west side elevation of the principal dwelling and no 1st floor windows are proposed on the east side elevation of the smaller dwelling; save for a velux window. An objection cited that this window would result in a loss of privacy to no. 10 Spinney Lane. However, the window is a velux window angled at the pitch of the roof and would be obscure glazed, serving as it does a bathroom. Obscure glazing could be secured by condition, as could the removal of Permitted Development rights for the future insertion of windows to each side elevation to protect the privacy of adjacent dwellings. There would, therefore, be no side-on

overlooking issues. To the north, opposite dwellings are separated by over 16m, the highway and mature trees, hedges and vegetation. To the south, it is not considered that the 1st floor rear windows would result in any unacceptable overlooking of the rear gardens to which the site abuts. Each garden is sizeable and spaciouly separated from the proposed, as detailed above.

There are therefore not considered to be any negative amenity impacts which would arise from the proposal, which is consequently in accordance with CSS Policy 13.

4. Access, highways and car parking

Spinney Lane is a private road, within the original Wickstead Park estate which is not adopted highway. Northamptonshire County Council Highways Authority therefore has no jurisdiction to comment on this proposal.

Existing access arrangements from Spinney Lane to the A-road of Pytchley Road would remain unaltered. Spinney Lane is a narrow, single carriageway, no-through-route lane with occasional passing points. It would be unsuitable for any significant degree of intensification from the current light traffic flows which serve the handful of dwellings on the lane. However, it is not considered that the addition of 1 small new dwelling would result in an unacceptable over-intensification of traffic, or generate a significant amount of extra vehicular movements, or cause existing highways and accesses to exceed their capacity.

A vehicular access to the new dwellings is proposed of 4.5m width incorporating a cross-shaped driveway 12m in depth from the proposed double garage, with a turning head some 17m across. This is considered to be ample space for vehicles to access and turn within the site and exceeds the specifications set by the Highway Authority Standing Advice document. The combination of the double garage and the driveway would allow for the parking of at least 5 cars clear of the highway. In the absence of minimum or maximum parking standards this is considered to be an appropriate amount of parking for the 2 properties, given the distance of the proposal site from the town centre and public transport infrastructure. The principal dwelling has a driveway of 5m long x 6m wide and a double garage while the smaller dwelling's driveway is 7m long x 4m wide. There is, therefore, ample provision for parking for each dwelling without fettering the turning space provided for vehicles associated with both dwellings.

A visibility splay of 2m should be provided either side of the access. This could be achieved by ensuring the adjoining boundary treatment does not exceed a height of 80cm, or has through visibility (for example railings) for a distance of 2m from the access.

5. Sustainable design

Policy 14(b) of the CSS 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 and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

A Design and Access Statement, Sustainability Appraisal & Energy Statement and Sustainable Design SPD Checklist were submitted to support the application in this respect. The submitted material is inadequate and fails to demonstrate how the requirements of the CSS and accompanying SPD would be met by the development. No specific details are provided as to how the scheme could meet the necessary sustainability requirements, for example use of solar or photo-voltaic panels or provision of water butts or low volume water fittings.

For this reason the proposal would need to do more to demonstrate compliance with the sustainable design policy requirements. Consequently a condition is proposed to require the submission of further details in this respect prior to the commencement of the development.

6. Boundary treatments and landscaping

Plan SP/01A (received 3/8/12) shows existing boundary treatments (a mixture of 2m high timber fences and hedges) are to remain to the south, east and west boundaries. The retention of the existing arrangements is sensible and would mitigate the impact of the development on neighbouring properties.

The plan also shows the majority of the front (north) boundary hedge is to remain. Frontage hedges are an important part of the green character of Spinney Lane and the existing hedge should be retained if at all possible. Landscaping, including the future of the hedge can be controlled by condition.

7. Refuse storage and collection

There is ample space for the storage or refuse receptacles within the site and the curtilage of each dwelling, with the bins to be presented to Spinney Lane for collection weekly.

8. Contaminated land

Kettering Borough Council's Environmental Health Department raised no objection to the development subject to the imposition of the standard, 4 part contaminated land condition.

Conclusion

The proposal is in accordance with relevant policy, there would be no unacceptable amenity impacts, the design is appropriate and there are no material planning considerations that would indicate against approval. The application is therefore recommended for approval, subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

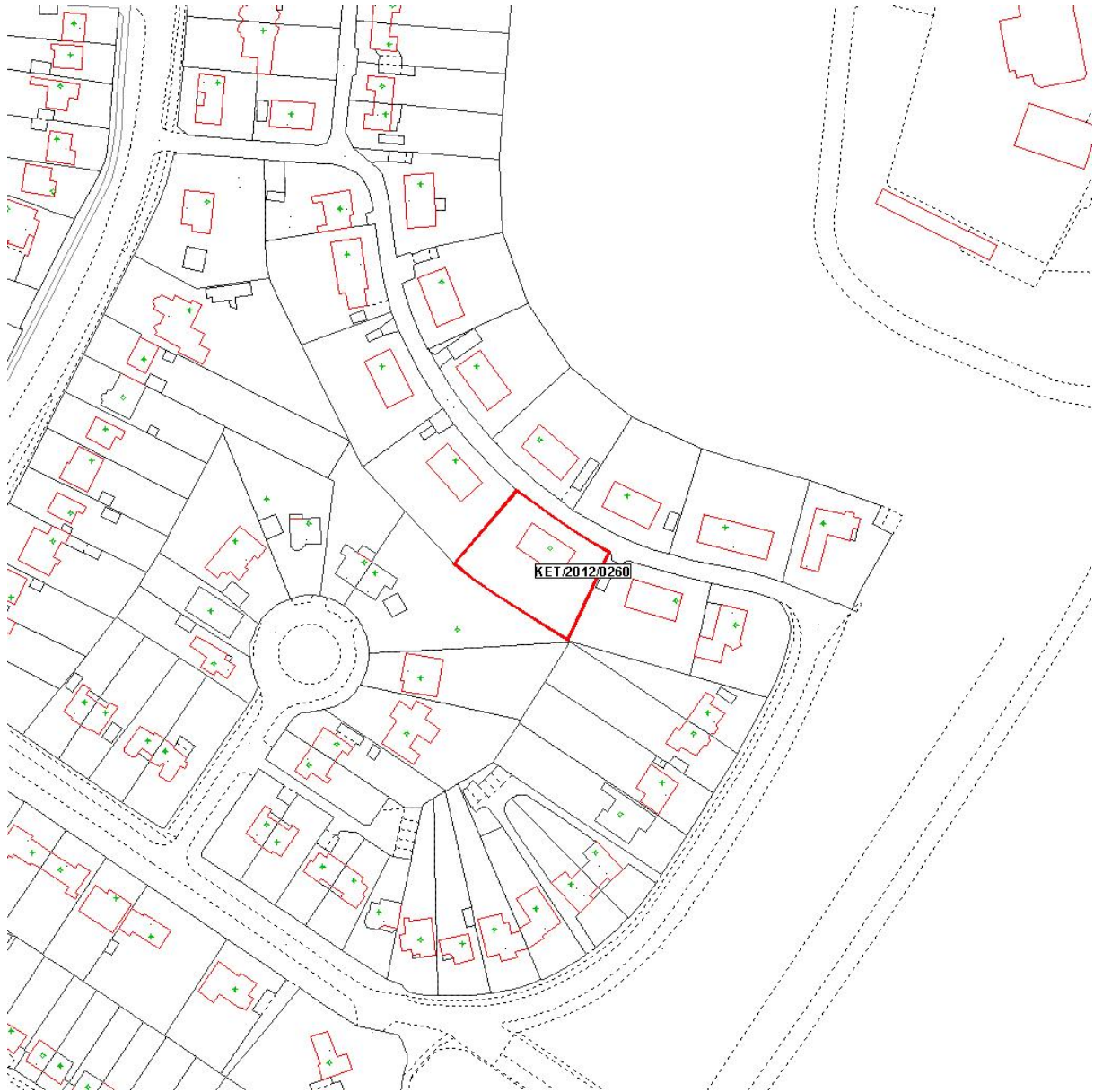
Ref:

Date:

Chris Rose, Development Officer on 01536 534316

SITE LOCATION PLAN

8 Spinney Lane, Kettering
Application No.: KET/2012/0260



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