

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 02/07/2013</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Rebecca Collins Senior Development Officer</b>	<b>Application No: KET/2013/0337</b>
<b>Wards Affected</b>	<b>Barton</b>	
<b>Location</b>	<b>238 Barton Road (rear of), Barton Seagrave</b>	
<b>Proposal</b>	<b>Full Application: Dwelling with detached garage, including access and ancillary work</b>	
<b>Applicant</b>	<b>Mr M Kaare</b>	

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

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

### **2. RECOMMENDATION**

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

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

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

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

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

3. 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.

4. Due to the previous potentially contaminative use of the site and 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.

Development on land affected by contamination:

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 11 of the NPPF and 13 of the CSS.

5. Prior to the commencement of development, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste and water recycling and provision for water efficiency and recycling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

6. No other development shall commence until visibility splays of 2 metres by 2 metres have been provided at the junction of the access road 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.

7. 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 first floor of the north elevation or roof plane of the building.

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

8. The development hereby permitted shall not be carried out other than in accordance with the approved plans 2504/PD/EW, 2504/P1 and 2504/P2 received on 21/06/2013.

REASON: To define this permission for the avoidance of doubt and protect the amenity of neighbouring properties in accordance with policy 13 of the CSS.

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

The proposal is in accordance with national and local policies as set out in Policy 6 and 7 of the National Planning Policy Framework, Policies 1, 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/2013/0300 – Demolition of garage. Two storey side and rear extensions and detached double garage (Approved)

#### **Site Description**

Officer's site inspection was carried out on 05/06/2013.

The application site is a large site behind an existing large two-storey dwelling, gable fronting the highway with a flat roof porch and bay window on the front elevation. There is an existing single storey small lean-to extension to the northern side of the existing property and a small single storey detached outhouse. The property is set in a large flat plot surrounded by garden space, set significantly back from the public highway. Previously on the site was a large double garage attached to the existing dwellinghouse, which has been demolished.

There is approximately 1.8m screening to all rear boundaries of the application site, with planting and vegetation to the southern and rear boundaries. There is dense vegetation to the front boundary of the site.

To the north of the site is an access leading to two 'back-land' properties and access for the property to the front of the site off Barton Road (number 234). Number 232 Barton Road, a chalet style 1.5 storey property, has two small obscured glazed windows facing the application site with the existing fence obscuring views into the application site.

Number 240 Barton Road, a large two-storey detached dwelling, has one large window in the side elevation of the single storey garage facing the application site. The properties to the rear of the application site off Laxton Court are two storey detached dwellings. Number 5 Laxton Court has windows facing the application site.

#### **Proposed Development**

The proposal is to construct a new dwelling with detached garage, including access and ancillary work

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

A Road

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

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

No objections, subject to the proposals not conflicting with the latest policies relating to back land development.

#### **Environmental Health**

No objection subject to the imposition of a contaminated land condition.

## **Neighbours**

Number 6 Laxton Court, to the rear of the application site has objected to the proposal on the grounds that the proposal would overlook their property and deprive them of their privacy. They request that permission is only granted for a single storey dwelling. They are also concerned that the footings for the proposal will affect the roots of their trees and request a full tree survey to prevent any possible damage.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 6 – Delivering a wide choice of quality homes

Policy 7 – Requiring good design

Policy 11 – Conserving and enhancing the natural environment

### **Development Plan Policies**

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

Policy 1 – Strengthening the network of settlements

Policy 13 – General sustainable development principles

Policy 14 – Energy efficiency and sustainable construction

#### **Local Plan**

Policy 35 – 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
2. Character
3. Amenity
4. Access
5. Contaminated Land
6. Sustainable Design

### **1. Principle**

Policy 1 of the North Northamptonshire Core Spatial Strategy and policy 35 of the Local Plan for Kettering Borough require all new development to be within designated settlement boundaries. The application site is located within the designated settlement boundary of Barton Seagrave where development is considered appropriate subject to compliance with all other relevant policies.

Policy 9 of the Core Spatial Strategy (CSS) states that priority will be given to previously developed land and that this should provide for at least 30% of the overall housing requirements for North Northamptonshire. The NPPF classifies garden land as previously undeveloped and is therefore not a priority for development.

## 2. Character

The proposal is for a new large one and half storey detached dwelling, set back from the public highway in the rear garden of number 238 Barton Road. Development along this part of Barton Road generally consists of large, detached properties set in large plots. Paragraph 14 of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. Local Planning Authorities must seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Adjacent to the site is a small court of three properties granted planning permission in 2001, further along Barton Road is another court of 4 properties, 3 of which are set back from the public highway. Given the clusters of dwellings adjacent to the site and set back from the adjacent neighbouring properties, it is considered that the character of Barton Road has been changed and new built form established where previously one would not expect to have development. The proposal will be largely hidden from view by the existing dwelling and its proposed extensions as permitted in application reference KET/2013/0300. The proposal is therefore unlikely to have a significant impact on the character of the area in accordance with policy 13 of the CSS and 7 of the NPPF.

## 3. Amenity

Amended plans have been received, re-designing the proposed property and relocating it in the plot so it is further away from the rear boundary of the site and properties to the rear off Laxton Court. The proposal is between 18 and 19 metres from the rear boundary of the application site (due to the angle of the property within the plot). This is sufficient distance from the gardens of the neighbouring properties to the rear so as not to warrant any undue overlooking. The proposed property has also been moved further away from number 6 Laxton Court and is now over 5 metres away, side to side, also taking into account the height of the proposal (approximately 7m) any potential overshadowing or overbearing impacts on this property will be significantly reduced. Given its height and separation from other surrounding neighbouring properties, which is over 20m then the proposal is therefore unlikely to have a significant impact on the amenity of neighbouring properties in accordance with policy 13 of the CSS.

Due to the increased distance from the trees on the boundary with number 6, which is approximately 15m, then a tree survey is not considered to be necessary in this instance.

## 4. Access

The proposed access is considered sufficient to serve the proposed and existing dwelling. It is adjacent to the existing access for properties to the north and is to serve only the two dwellings within the application site. It is therefore unlikely to

have a significant impact on the amenity of the neighbouring properties in accordance with policy 13 of the CSS.

#### 5. Contamination

Due to the underlying geology present throughout Northamptonshire, a full ground investigation will be required to prevent unacceptable risks to future occupants of the site. Subject to this, the proposal is considered acceptable in terms of risk of contaminants and in accordance with policy 11 of the NPPF.

#### 6. Sustainable Design

Policy 14 of the CSS requires new development to meet the highest standards of resource and energy efficiency and a reduction in carbon emissions. All proposals for new development should demonstrate how they are intending to incorporate techniques of sustainable construction and energy efficiency and make provision for waste reduction and recycling and for water efficiency and water recycling, this can be a condition, subject to which the proposal is considered acceptable in terms of sustainable construction and design.

#### **Conclusion**

The proposal is considered acceptable in principle and is unlikely to have a significant impact on the character of the area or the amenity of neighbouring properties in accordance with policies 6 and 7 of the NPPF and policy 13 of the CSS. Subject to the conditions proposed the development is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

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

Ref:

Date:

Rebecca Collins, Senior Development Officer on 01536 534316