

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/03/2014	Item No: 5.1
Report Originator	Alan Davies Development Officer	Application No: KET/2013/0774
Wards Affected	Welland	
Location	29 Newland Street, Braybrooke	
Proposal	Full Application: 1 no. dwelling	
Applicant	Mr J Hakewill	

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 REFUSED for the following reason(s):-

1. The lack of an acceptable Flood Risk Assessment submitted with the application prevents the Local Planning Authority from establishing whether the proposed development, which is to be located within the floodplain of the River Jordan and lies within Flood Zones 2 and 3, would result in an increased flood risk to existing properties. Furthermore, the application does not demonstrate whether the proposed building and its occupants would have an acceptable level of risk against flooding for the lifetime of the development. As such, the proposal is considered to be contrary to the Development Plan, in particular Policy 13(q) of the North Northamptonshire Core Spatial Strategy, and Section 10 of the National Planning Policy Framework, as it does not demonstrate that this proposal would not result in an increased flood risk to the area and the future occupants of the development.

Officers Report for KET/2013/0774

This application is reported for Committee decision because the applicant is a Council member.

3.0 Information

Relevant Planning History

KE/89/1194 – Extension to dwelling. Approved 20/01/1988.

Site Description

Officer's site inspection was carried out on 22/12/2013.

The application site is within the domestic curtilage of Cotterbury, a 2 storey brick dwellinghouse that lies on the south side of Newland Street, Braybrooke. The dwelling has been painted white, features plain roof tiles and decorative finial ridge tiles, and features white uPVC double-glazed windows on the front elevation. There is a single storey red brick side extension on the left side of the principal elevation. To the right side of the front elevation there is a 1 metre high hedge, behind which there is an area of mown lawn. It is within this area that the proposal is to be constructed. There are two mature trees at the front of the site, close to the hedge. To the rear of the site is a small stream – the river Jordan – which flows through the village of Braybrooke. Beyond this, outside of the site and further to the south is a large barn, part of several buildings associated with Rectory Farm.

Proposed Development

It is proposed to construct a new dwelling adjacent to Cotterbury on the land to the immediate southwest of the existing dwelling. The two dwellings would physically attach and be linked with an internal doorway between the structures. The new dwelling will be 2 storeys and will follow the existing ridge line of Cotterbury. The front elevation facing onto Newland Street will feature a projecting 2 storey gable element with decorative barge boards. To the rear there will be a further two storey projecting element, although this elevation will have a far more modern appearance than the proposed front elevation. To the side (southwest) of the proposal there will be an area of hard standing for the parking of two cars clear of the highway. There will also be solar panels installed on the rear and side elevations of the proposal (southeast and southwest elevations).

Any Constraints Affecting the Site

Lies within Flood Zones 2 and 3

Within Braybrooke Conservation Area

4.0 Consultation and Customer Impact

Parish Council

No objection.

Environmental Health

No objection.

Environment Agency

In the absence of a Flood Risk Assessment (FRA) we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

The site lies within Flood Zone 2 and 3 as defined by the Environment Agency Flood Map as having a medium and high probability of flooding. Paragraph 103, footnote 20, of the National Planning Policy Framework requires applicants for planning permission to submit a Flood Risk Assessment when development is proposed in such locations.

A Flood Risk Assessment is vital is the Local Planning Authority is to make informed planning decisions. In the absence of a Flood Risk Assessment the flood risk resulting from the proposed development is unknown. The absence of a Flood Risk Assessment is therefore sufficient reason in itself for a refusal of planning permission.

NCC Archaeology

No objection provided a condition for a programme of archaeological works is included with any permission granted.

Neighbours

One letter of support.

5.0 Planning Policy**National Planning Policy Framework**

6. Delivering a wide choice of high quality homes

7. Requiring good design

10. Meeting the challenge of climate change, flooding and coastal change

12. Conserving and enhancing the historic environment

Development Plan Policies**North Northamptonshire Core Spatial Strategy**

Policy 9. Distribution and Location of Development

Policy 10. Delivering Housing

Policy 13. General Sustainable Development Principles

Local Plan

Policy 7. Protection of the Open Countryside

Policy RA3. Housing in Restricted Infill Villages

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Flood risk
3. Design, character and appearance
4. Residential amenity
5. Impact upon Braybrooke Conservation Area

1. Principle of development

Policies 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development primarily to the growth towns, which include Kettering, and take a sequential approach thereafter. Whilst development within small villages is provided for, it is one of the least-favoured locations within the Strategy. Policy RA3 of the 1995 Local Plan for Kettering, however, provides for such development within 'Restricted Infill Villages', of which Braybrooke is one. The proposal will be located within the designated settlement boundary of Braybrooke and as such the principle of this development has support within local planning policy provided that other material considerations do not indicate otherwise.

Policy RA3 requires certain design criteria to be satisfied, which include the proposal being appropriate in terms of size, form, character and setting of the village, it does not involve the development of open land as shown on the Proposals Map and it is compatible with other policies and proposals in the Development Plan, particularly in relation to conservation, design, density, site layout, access, drainage, landscaping and open space provision. It must also take account of the need to conserve energy through good building design and the use of appropriate materials. The design of the proposal is discussed in further detail in this report, but whilst there may be policy support for the principle of this development the proposal at this stage is not considered acceptable.

An objection to the proposal has been received from the Environment Agency, a statutory consultee, which objects to the proposal as it is located within Flood Zones 2 and 3 and thus the application should be accompanied with a Flood Risk Assessment. Without this assessment the Local Planning Authority cannot objectively assess whether this proposal would result in increased flood risk elsewhere and whether the proposed development is both flood resistant and resilient in accordance with Paragraph 103 of the National Planning Policy Framework and Policy 13(q) of the North Northamptonshire Core

Spatial Strategy. As such the proposal is considered to be contrary to national and local planning policy in respect of flood risk.

2. Flood risk

Paragraph 100 of the National Planning Policy Framework requires Local Planning Authorities to direct development away from areas at risk from flooding by requiring them to provide a sequential Flood Risk Assessment and, if required, then apply the Exception Test. In this case the applicant has failed to submit a Flood Risk Assessment and thus the proposal fails to accord with Paragraph 103 of the National Planning Policy Framework which would demonstrate that the proposal is both resistant and resilient to the risks of flooding. In addition to the potential impact upon the proposed dwelling due to the lack of a Flood Risk Assessment it cannot be determined if this proposal would result in an increased risk of flooding to other properties, either within the vicinity or further downstream. In addition to the requirements of Section 10 of the National Planning Policy Framework, which this proposal fails to satisfy as shown above, it is also considered that the proposal is contrary to Policy 13(q) of the North Northamptonshire Core Spatial Strategy, which states:

Development must ...not cause a risk to (and where possible enhance) the quality of the underlying groundwater or surface water, or increase the risk of flooding on the site or elsewhere, and where possible incorporate Sustainable Drainage Systems (SuDS) and lead to a reduction in flood risk.

The applicant has suggested that the issue of flood risk could be overcome by the imposition of a condition. However, the Environment Agency has confirmed this is insufficient to address the issue which goes to the heart of the principle of this proposal. Therefore the issue of flood risk needs to be considered fully as part of the application and the risks cannot be mitigated by condition. Therefore the proposal cannot overcome the requirements of national and local planning policy without an acceptable Flood Risk Assessment and as such this proposal fails to accord with policy in this respect.

3. Design, character and appearance

The proposed design will create a new dwelling next to the existing of a similar style, mass, proportion and scale. It will lead to 2 semi-detached dwellings with a new architectural feature providing visual interest to the front elevation of the proposal. The design appears to be traditional on the front elevation but modern to the rear, including proposed solar panels to be attached to the new roof. This approach is considered to be acceptable and it is considered that the design of the proposal satisfies Sections 6 and 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of design. It will not appear out of context next to the existing dwelling.

4. Residential amenity

The only dwelling that will be affected by this proposal is Cotterbury, which will become an attached dwelling with an internal link between the two. Should this internal link ever be blocked up and the two dwellings become occupied by two separate households it is considered that neither property will have a detrimental impact upon the neighbouring dwelling in terms of loss of light, overlooking, overbearing impact or increased pollutants, such as noise or air. As such, the proposal is considered to be acceptable in terms of its impact on residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Impact upon Braybrooke Conservation Area

This proposal will lie within Braybrooke Conservation Area, although it is on the very edge of the Conservation Area. The design of the proposal is considered to be suitable for the location and when viewed from the public realm it will help to preserve the existing character and appearance of the surrounding area due to the mass, scale, architectural details and materials proposed for the dwelling. As such it is considered that the proposal accords with Section 12 of the National Planning Policy Framework in terms of its impact upon heritage and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Conclusion

Without a Flood Risk Assessment the Local Planning Authority cannot make an informed decision as to whether this proposal would increase the risk of flooding in the vicinity and whether future residents of the proposal would be safe from flooding. Therefore the proposal fails to accord with national and local planning policy which requires development to, at the very least, not result in increased levels of flooding or flood risk. As such it is contrary to the Development Plan and under Section 38(6) of the Planning and Compulsory Purchase Act 2004 permission for this proposal should not be granted.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: