

BOROUGH OF KETTERING

Committee	Full Planning Committee - 29/07/2014	Item No: 5.3
Report Originator	John Hill Development Officer	Application No: KET/2014/0379
Wards Affected	Rothwell	
Location	30-34 Scott Avenue (Land at rear of), Rothwell	
Proposal	Full Application: 3 no. dwellings and associated parking	
Applicant	Mrs J Blundell	

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 National Planning Policy Framework identifies an environmental role in protecting and enhancing the natural environment and Policy 13 of the North Northamptonshire Core Spatial Strategy states that development should conserve and enhance landscape character. The site lies in the open countryside where saved Policy 7 of the Local Plan for Kettering 1995 restricts development for its intrinsic value. There are no overriding material considerations to go against this policy. Therefore the proposed development is contrary to these policies and their purposes as summarised.

2. The application fails to address the impact of the proposed development on the biodiversity of the area and therefore is contrary to national planning guidance as set out in paragraphs 109, 118 and 121 of the National Planning Policy Framework and Policy 13o of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0379

3.0 Information

Relevant Planning History

None

Site Description

Officer's site inspection was carried out on the 25th June 2014.

The site, some 0.12ha, sits to the rear of the residential properties forming the urban edge of the northern part of Rothwell. It forms part of a much wider site that extends from the rear of Scott Avenue to Rushton Road and was formerly used as allotments of which only a few remain cultivated. The application site is one that is now not cultivated but is rather heavily overgrown with small trees and shrubs. Sitting between the application site and the rear boundaries of the properties on Scott Avenue, nos.30 - 34 is a landscaping belt some 7m wide which was planted as a screen to soften the edge of the development on Scott Avenue and beyond.

A private vehicle access off Scott Avenue serves the wider allotment area running directly in front of nos. 36 to 40 Scott Avenue. This is in third party ownership over which the adjoining residential properties and landowners have a right of access.

Proposed Development

The proposal is to erect 3 detached 2 bed bungalows each served by a single garage with a parking space in front. They will front onto a private access road with a turning area incorporated at its eastern end which itself forms a continuation of the aforementioned private access which comes off Scott Avenue.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Rothwell TC – Has no objections provided street and footpath lighting is provided and the Highway Authority is satisfied that the access road is wide enough for emergency vehicles.

Highway Authority – to be updated at Committee

Neighbours – 5 letters raising the following objections:

- Access is a private drive.
- Long term responsibility for driveway maintenance and repair
- Access will get damaged by construction traffic.
- No surface drains, footpaths or street lighting shown.
- Landscaping belt to rear of Scott Avenue should be retained
- Ownership of landscape belt.

- Loss of landscape belt will leave existing houses exposed to the elements.
- Surface water and foul drainage issues, site lower than existing properties. Electricity / water connections.
- Site referred to as being overgrown – whereas originally an orchard and presently supports wildlife.
- Refuse vehicles will not use private drive leading to lots of bins on road on collection day in front of existing houses.
- Existing parking issues – new houses could lead to cars parking in Scott Avenue because no room to parking in new development.
- Will properties be rented or private

5.0 Planning Policy

National Planning Policy Framework

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 7 Conserving and enhancing the natural environment

North Northamptonshire Core Spatial Strategy (NNCSS)

Policy 13 General Sustainable Development Principles

Kettering Local Plan (KLP) (saved policies)

Policy 7 Protection of the open countryside

Policy 35 Housing within towns

Emerging Plan: Site Specific Proposals Local Development Document Housing Allocations Assessment of Additional Sites and Update 2013

Application site sits within land identified as part of 'Land to the north of Rothwell' as a 'potential housing allocation'.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The issues for consideration in this application are:-

1. Principle of development
2. Layout/design
3. Access/parking
4. Impact on residential amenity
5. Bio diversity impact

1. Principle of development

Planning legislation requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is made up of the NNCSS and KLP. The policies in these documents need to be compliant with the guidance in the

NPPF and where they are not the NPPF guidance takes precedent.

Policy 13o of the NNCSS states that development should conserve and enhance landscape character. Policy 35 of the KLP defines on a series of maps the Town Inset Boundaries and states: *Planning permission will normally be granted for proposals for residential development within towns, defined by the Town Inset boundaries shown on the Proposals Map, where the proposal is compatible with other policies and proposals in this Plan.*

The application site is located adjacent to but outside the Town Inset boundary for Rothwell and therefore for planning purposes sits in the open countryside. Policy 7 of the KLP states: *Planning permission for development within the open countryside will not be granted except where otherwise provided for in this plan.*

Supporting information with the application states: *The site has been identified for potential development under RO/202 and LDD Housing Allocations 213 and would be an opportunity to utilise an unproductive site to contribute to the Local Authority's 5 year supply of housing.*

This statement does not justify supporting the principle of development beyond the Town Inset boundary.

The emerging Site Specific Proposals Local Development Document is in the early stages of its preparation. In time the document will form part of the Development Plan. The Housing Allocations Assessment consultation 2013 suggests development options for consideration and carries limited weight in the determination of this application. In any event the application site lies outside that area identified in this document.

Additionally 'utilising an unproductive site' does not justify supporting the proposal and it has recently been established via a positive appeal decision that the Council has in excess of a 5 year supply of housing that again does not justify supporting the application.

The proposal is therefore contrary to the NPPF, Policy 13 of the NNCSS and Policy 7 of the KLP being new residential development in the open countryside and being divorced from and wholly unrelated to the existing form of development in the locality.

2. Layout/Design

There is no objection to the proposed layout or the design of the proposed bungalows. Each bungalow has an acceptable amount of private garden area and the design of each is not dissimilar to other bungalows in Scott Avenue added to which the relationship of each of the bungalows to each other is acceptable.

3. Access/Parking

Vehicle and pedestrian access to the site is to be via the existing private access way that serves both the allotment site and nos. 34 (garage only) and

36, 38 and 40 Scott Avenue which front directly on to the access way. It has a tarmac surface and is approximately 4m wide and some 36m long. There is no distinct footway or any street lighting on the existing access nor can any be secured on it but a condition could be attached to any permission requiring lighting in the extended access.

The applicant does not own the access but states in the application they have a right of way over it to access their abandoned allotment as do the other allotment holders and the Scott Avenue residents who take access from this. It is understood the access is owned by Persimmon Homes who have been consulted on the application but at the time of writing this report had not responded

Discussions have taken place with the Highway Authority and they consider the access to be a private drive as it has no more than 5 properties actually fronting it, two existing and the three proposed. In these circumstances the Highway Authority do not require the access to be designed to safely accommodate an emergency vehicle.

Having regard to parking, each bungalow has two spaces, a garage and a drive in front. This is considered adequate to serve the residents of each dwelling. There is some concern regarding the lack of any clearly identified parking for visitors and also for enabling large commercial vehicles to access the cul de sac and be able to turn around in a forward gear noting that the access road as a whole, when the length of the new road is included, is 72m long.

In this regard the proposal is therefore compliant with Policy 13d of the NNCS

4. Impact on residential amenity

A number of local residents have raised objections and/or concerns regarding the proposed development that are listed above.

In noting the nature of these whilst it is understood why they have been raised the majority cannot be legitimately considered as being material to the determination of the application. The issues relating to the capacity of existing services is a matter for the respective utility companies and damage that may be caused to the private access and its future maintenance is something to be discussed separately with the existing owners of the access.

There will be no adverse impact on existing residents from the actual occupation of the three proposed bungalows neither should there be from day to day movements of private cars of future residents or visitors. There is some capacity for cars to park in the cul de sac.

It is anticipated that large commercial vehicles would not look to access the properties directly but more than likely park on Scott Avenue in the vicinity of the site although if they were delivering either heavy or bulky goods it is considered they may try park closer having regard to the distance the three properties will be from the public highway and the carrying distance involved.

However such visits and movements to only three properties will be relatively infrequent and will not cause undue disturbance for existing residents.

In this regard the proposal is therefore compliant with Policy 13l of the NNCSS.

5. Bio diversity impact

The application site lies adjacent to a maturing landscape belt planted to soften the urban edge of the new housing development off Scott Avenue. Added to this is the fact the application site itself is virtually wholly covered in mature tree and shrub planting, any allotment use having ceased many years ago.

The application describes this planting on the application site as 'overgrown' but a local resident comments that an orchard was once there. Whatever the background is to the planting it is considered the site does potentially afford a degree of bio diversity value and should at the very least be assessed to determine such value.

The NPPF states in part that the *planning system should contribute to and enhance the natural and local environment* by such measures as *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological networks that are more resilient to current pressures*. It goes on to advise that when determining planning applications, local planning authorities should *aim to conserve and enhance biodiversity by applying certain methods including taking opportunities to incorporate biodiversity in and around developments* and that *adequate site investigation information, prepared by a competent person, is presented*.

Policy 13o of the NNCSS additionally is relevant stating that development *should conserve and enhance the landscape character, historic landscape designated built environment assets and their settings and biodiversity of the environment making reference to the Environmental Character Assessment and Green Infrastructure Strategy*.

On this basis it is considered that, notwithstanding the aforementioned position identifying the principle of the development being contrary to policy, that additionally an assessment of the biodiversity value of the application site needs to be undertaken before any decision can be made to in effect clear the existing planting and redevelop the whole of the site for housing and ancillary access works.

The application does make the statement in the 'Sustainability Appraisal/Strategy and Energy Statement' that the site is of 'inherently low ecological value and that there 'will be no change in the ecological value'. At the present time it has not been established if the site will have an ecological value, it certainly has the potential to have and if it does have then it will most certainly change as a result of the proposed development destroying it.

In the absence any biodiversity assessment the proposal is considered contrary in part to paragraphs 109, 118 and 121 of the NPPF and Policy 13o of

the NNCSS.

Conclusion

The proposed development is contrary to both the relevant national planning policy guidance and planning policy of the Development Plan. It is therefore recommended that planning permission is refused.

Background Papers

Title of Document:

Date:

Contact Officer:

John Hill Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: