

BOROUGH OF KETTERING

Committee	Full Planning Committee - 30/06/2015	Item No: 5.9
Report Originator	Amy Prince Assistant Development Officer	Application No: KET/2015/0350
Wards Affected	Rothwell	
Location	101 Rushton Road, Rothwell	
Proposal	Full Application: 1 no. single storey dwelling and parking provision for 101 Rushton Road	
Applicant	Mr & Mrs M Jones	

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. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers 100A LPA 1 and 100/A LPA2 .

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The landscaping and boundary treatment of the development hereby permitted shall not be carried out other than in accordance with the approved plan 100/A LPA1.

REASON: In the interest of securing an appropriate form of development 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, 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: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13(h) of the North Northamptonshire Core Spatial Strategy.

5. The development of the dwelling hereby permitted shall be carried out in accordance with the Sustainability Appraisal and Energy Statement received by the Local Planning Authority on 12/05/2015. The development shall not be carried other than in accordance with the approved details unless otherwise first agreed in writing by the LPA.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 (b) of the NNCSS.

6. Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from the vehicular access does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be permanently maintained.

REASON: To prevent an adverse impact on the highway network in accordance with Policy 13(n) of North Northamptonshire Core Spatial Strategy

Officers Report for KET/2015/0350

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2009/0217	Erection of 4 no. dwellings	Refused Appeal dismissed
KET/2012/0541	Single Storey Dwelling (outline permission)	Refused 06/12/12 Successfully appealed 18/12/12

Through the appeal of KET/2012/0541 the inspector allowed the appeal as he deemed that that due to the height and scale the development and its limited visibility from the street scheme it would not cause harm to the character and appearance of the area.

Site Description

Officer's site inspection was carried out on 26/06/2014.

The application site is situated on the northern edge of Rothwell Town which has an access on the junction of Rushton Road and Shotwell Mill Lane. The site comprises rear garden land totalling a size of approximately 0.16 hectares belonging to No.101 Rushton Road. The site backs onto garden land of number 99 Rushton Road and properties located in Spencer Street. The formal rear garden of 101 Rushton Road is separated by a red brick boundary wall which also runs along the boundary of 99 Rushton Road.

101 and 99 Rushton Road are a pair of semi-detached Victorian red brick homes. Rushton Road at this point is characterised by dwellings of varying architectural styles and appearance with generous plots and street frontages.

Proposed Development

This application seeks planning permission for one single storey dwelling with a detached single garage and ancillary parking for No.101 Rushton Road.

Any Constraints Affecting The Site

Public right of way (UH13) along the front of the site.

4.0 Consultation and Customer Impact

Rothwell Town Council

An objection has been made to the application on the grounds of:

- Adverse effect on the character of this area of Rothwell.
- Back land development which reduced garden sizes.
- Traffic safety with increased traffic exiting Shotwell Mill Lane.
- Increased noise to No.99 Rushton Road and loss of amenity.

Highway Authority

An objection has been made on the following grounds of:

- Access road should be a minimum of 3.7m wide.
- No turning ability for fire tender.
- Garage internal dimensions are too small.
- Bin presentation point is not shown.
- Vehicular and pedestrian visibility splays are not shown.

The following conditions have also been requested:

- Vehicular access width of 4.5m for first 10m with a max gradient over 5m being 1 in 15.
- Positive means of drainage of surface water from the access drive should be submitted.
- Any works with in Public Right of Way must be approved by local highway authority.

Environmental Health

Awaiting Comments

Neighbours

Two letters of objection have been received from neighbouring properties of No.99 and No.97a Rushton Road. The consultation responses objected on the following grounds:

- Development would change the peaceful character of the area and neighbouring houses.
- Increased noise and disturbance due to cars accessing the site.
- The location of the garage and car parking behind No.99 rear wall.
- Proposed use of gravel due to excess noise.
- Development has been positioned behind No.99 rather than No.101.
- The location of the two car parking space for No.101.

Other concerns that were raised.

- Footprint of the building is large than other bungalows fronting onto the road.
- Width of access.

Planning Policy

National Planning Policy Framework

Para 14 - Presumption in Favour of Sustainable Development

Para 17 - Core Planning Principles

Section 4: Promoting Sustainable Transport

Section 6: Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

Development Plan Policies

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

SPGs

Sustainable Design

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of the development
2. Character and appearance of the area
3. Impact on local amenity
4. Access and parking
5. Sustainable design

1. Principle of the development

Policy 6 of the National Planning Policy Framework (NPPF), 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 Rothwell 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. Whilst this is so, the CSS defines Rothwell as a 'Smaller Town', a secondary focus for development after Kettering (which is defined as a Growth Town) due to its relatively good level of services and public transport.

Paragraph 12 of the NPPF states that proposed development which accords with an up to date Local Plan should be approved. Paragraph 14 of the NPPF states that local planning authorities should approve applications which accord with the Development Plan.

The earlier application reference KET/2012/0541 for outline planning permission for one dwelling in the location was granted planning consent via a successful planning appeal, since this appeal there have been no significant

changes with national or local planning policy.

Considering the above the principle of development is considered to be acceptable subject to the compliance with all other relevant policies.

2. Design and character of the area

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.

This character of this part of Rushton Road is defined by large, primarily detached properties set in large plots fronting onto the public highway. A variety of construction material and designs are present.

It is noted that there is a development of two bungalows to the south of the application to the rear of 81/83 and 73/75/77 Rushton Road. This development is closer to the denser urban form. In contrast, the application site is located amongst low density residential development characterised by large previously undeveloped garden land. This decrease in density along Rushton Road helps provide a distinct transition between the built form of the settlement and the rural, undeveloped open countryside beyond.

However it is a material planning consideration that there is an extant permission on the application for a single storey dwelling KET/2015/0541 which was granted consent via appeal. The inspector noted within the appeal decision that although some of the openness currently associated with the area would be lost. The inspector considered that due to the form and scale of the building there would be no significantly harm to the open character of the area providing appropriate siting of the dwelling and landscape mitigation for the visual impact of the proposal on the neighbouring properties and public realm. The current application conforms to the size parameters and the inspector added as a condition to the approval.

Bearing in mind the extant permission which arose from the inspector overturning of the council's original refusal, it is considered that subject to the submission of satisfactory materials and a condition to ensure landscaping and boundaries are built out in accordance with plans, the proposed dwelling is not considered to cause a level of detriment harm to the character of the area that would warrant refusal. On balance it is therefore considered that the proposal is in accordance with policy 13 of the CSS and 7 of the NPPF.

3. Impact on local 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 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, overbearing or overlooking.

Two objections have been raised by neighbouring properties and one from Rothwell Town Council in regard to impact on amenity of neighbouring properties.

The proposed garage is separated by a distance of 13m from the rear boundary wall of No.99 and 32m from the close point of the dwelling, that being a single storey rear element. For the proposed dwelling this increases to 18m from the rear boundary wall and 36m from the single storey rear element of the main dwelling. The applicant has also shown that a number of trees are to be retained within land to east of the close boarded fence. It is recommended that the landscaping and boundary treatment are secured by a condition which is detailed at the front of this report.

It is noted that a new dwelling on the application site will intensify the use from the existing orchard and as such there will be an increase in noise from occupants and vehicles accessing the site, however this is not deemed to be of a level that is unacceptable within an established residential street and will be limited by the separation distance from the existing dwelling.

The proposed dwelling is orientated with the principle elevation facing toward the north and away from the rear elevation of No.101 and No.99 and across the rear part of the garden of 1 Shotwell Lane. The site boundary proposed is a 1.8m close boarded fence, this which run along the northern boundary up the existing 1.8m boundary wall which sits between No.1 and No.101. These boundaries will protect the privacy to the rear of No.1 and reduce the impact of the proposed dwelling.

When considering the separation distance, boundary treatments and landscape mitigation and bearing in mind the single storey nature of the proposed dwelling it is not considered to have an unacceptable impact on amenity in terms of overbearing impact, overshadowing or loss of privacy to neighbouring properties and is therefore considered to be in accordance with Policy 13(i) of the Core Spatial Strategy.

4. Access and parking

The extant outline permission did not include details of the replacement parking for No.101 Rushton Road and as such the inspector considered the application for a single access to the proposed dwelling. Details submitted within this application also consider the replacement of the existing parking for No.101 which turns the access into a shared access.

Highways have raised a number of objections in regard to the application including access width, visibility splays, lack of bin collection point and garage dimensions.

Amended plans have been requested from the applicant to address these issues and an update will be provided to members of the committee via the committee update.

5. Sustainable Design

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

The applicant has submitted an energy statement which adequately demonstrates how the requirements of the CSS and accompanying SPD would be met by the development. Subject to a condition which secures accordance with this document, it is considered that Policy 14(b) of the North Northamptonshire Core Spatial Strategy has been met.

Conclusion

The proposal is considered to satisfy national and local planning policy. It is appropriately designed and will not impact the neighbouring properties to an unacceptable level.

As such it is my recommendation that planning permission should be granted subject to the recommended conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Amy Prince, Assistant Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: