

BOROUGH OF KETTERING

Committee	Full Planning Committee - 12/12/2017	Item No: 5.2
Report Originator	Amy Shepherdson Development Officer	Application No: KET/2017/0653
Wards Affected	Rothwell	
Location	62 - 66 Stanley Street (land to rear), Rothwell	
Proposal	Full Application: 1 no. dwelling	
Applicant	Mr J Tilley	

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 amended plans KET/2017/0653/1b received 03/11/17 and KET/2017/0653/2d, KET/2017/0653/3c, KET/2017/0653/4c, KET/2017/0653/5c and KET/2017/0653/6c received 22/11/17.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. No development shall commence on site until details of the types and colours of all external facing, roofing and hard standing material 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 8 of the North Northamptonshire Joint Core Strategy.

4. 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. This scheme shall include 2m closed boundary treatment on the north and west boundaries of the site. The building shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property and future occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 south, north or west elevation at first floor level or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A (extension and alteration), D (porches) and E (outbuildings) of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The parking area hereby approved and depicted on approved plan KET/2017/0653/5c shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure adequate on-site parking provision for the approved building(s) and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

8. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

9. The dwelling shall be constructed to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Core Spatial Strategy 2016.

Officers Report for KET/2017/0653

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

3.0 Information

Relevant Planning History

PRE/2017/0038 - 2 no. semidetached bungalows – advice given (21/06/17)

KET/2006/1042 - New single storey 2 No. bed dwelling, with private car parking space and garden on vacant plot – refused (24/01/07)

Decision appealed under ref APP/L2820/A/07/2046864/WF – decision upheld.

The application site under this application was smaller than that currently being considered. The site covered only 2 of the 3 garden plots which form the current site area.

Site Visit

Officer's site inspection was carried out on 13/09/2017.

Site Description

The application site is within the east of Rothwell within the designated town boundary. The application site comprises a square plot which is made up of rear garden land previously belonging to 62, 64 and 66 Stanley Street. The plot is located close to the corner of Norton Street and Stanley Street and is accessible off Norton Street. The area is made up of predominately 2 storey dwellings with a variety of building materials and designs. The houses on the northern side of Norton Street (on which the plots sit) have a reasonably consistent building line which is set back from street.

Proposed Development

This application seeks planning permission for 1 new dwelling which is a mix of 2, 1.5 and single storeys within an integral single garage and additional on plot parking for 2 cars.

Revised plans have been received during the application process in line with officer comments.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Original Plans

Rothwell Town Council

No objection provided the amenities currently enjoyed by neighbouring properties are not adversely affected.

Environmental Health

No objection subject to conditions and informative on working hours for construction sites, unexpected land contamination and radon.

Environmental Care

No comments received.

Neighbours

Notification letters were sent out to neighbours in close proximity and a site notice was erected at the site; the following response was received:

No.1 Norton Street – Object

- The proposed garage sits further forward than the building line of No.1 Norton Street and the front left window of No.1 Norton Street, which is the single source of natural light for the ground floor living space will have reduced levels of light due to the new building and garage.
- Whilst accommodating a 45 degree line of sight. The front gable on the main building and the dormer window above the garage will cause further overshadowing of No. 1 Norton Street.
- The first floor west facing (side) window of No.1 which serves a landing and open gallery stairs and down onto the living space will likely have reduced light levels.

Revised Plans

At the time of writing this report additional consultation is being completed with neighbouring properties in regard to the revised plans. No comments have been received to date however the consultation will expire prior to the Planning Committee and Members will be informed of any additional comments via the Committee Update.

5.0 Planning Policy

National Planning Policy Framework

Para 14 – Presumption in Favour of Sustainable Development

Para 17 – Core Planning Principles

Policy 6 – Delivering a wide choice of high quality housing

Policy 7 – Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1 Presumption in favour of Sustainable Development

Policy 6 Development on Brownfield Land & Land affected by contamination

Policy 8 North Northamptonshire Place Shaping Principles

Policy 11 Network of Urban and Rural Areas

Policy 29 Distribution of new homes

Policy 30 Housing Mix and Tenure

Saved Policies in the Local Plan for Kettering Borough

Policy 35 – Housing within Towns

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 & Visual Impact
3. Residential Amenity
4. Access & Parking
5. Contaminated Land
6. Refuse and Recycling
7. Sustainable Construction

1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently consists of the North Northamptonshire Joint Core Strategy (JCS) adopted in July 2016, and saved policies from the Local Plan for Kettering Borough.

Policy 6 of the National Planning Policy Framework (NPPF), Policy 11 and 29 of the North Northamptonshire Joint Core Strategy and Saved Policy 35 of the Local Plan for Kettering Borough require new development to be focused within designated settlement boundaries unless rural exceptions apply. 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 29 of the Joint Core Strategy (JCS) states that priority will be given to previously developed land. The NPPF classifies garden land as previously undeveloped and is therefore not a priority for development. Whilst this is so, the JCS defines Rothwell as one of the 'Market Towns' due to its good level of services and public transport and promotes additional housing in these areas.

The existing gardens of No.62-66 are long and considering the proposed property's location alongside No.1 Norton Street, the site lends itself to development. An illustrative site layout has been provided by the applicant to outline the intended composition of development upon the site, this shall be the subject of the detailed considerations outlined within the following sections of this report.

2. Design & Visual Impact

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. This is further supported by Section 7 of the NPPF and Policy 8 of the JCS. 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.

The proposed property will address Norton Street which comprises mostly 2 storey dwellings (apart from 1 bungalow on the south side). The western half of the street has a mix of materials and designs however the northern side has a reasonably consistent building line which is set back from the street.

The proposed dwelling's design picks up elements from neighbouring properties such as secondary gables on dual pitched roofs and dormer windows above a garage (as seen opposite on No.2a Norton Street). The proposed dwelling has a front building line which, whilst being in front of No.1, is set back within the plot by 4.7m from the road. As the building line of the rest of the northern side has slight variations the slight step in the frontage is not considered to be detrimental to the character or appearance of the local area.

The submitted street scheme shows that the revised design will sit comfortably within the street scene and neighbouring properties with similar ridge heights. The dwelling responds well to the existing character of the area and a condition has been recommended that external materials as well as full details of the landscaping and boundary treatment are submitted and approved prior to development

It is therefore considered that the proposal will not have a detrimental impact on the character and appearance of the local area and as such is in accordance with Policy 7 of the NPPF and Policy 8 of the JCS.

3. Residential Amenity

Policy 8 (e) of the JCS requires that developments do not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed dwelling would be in close proximity to No.1 Norton Street. It is acknowledged that the introduction of a dwelling on this site will cause some loss of light to No1 and in particularly the front window closest to the boundary. However, the closest element of the proposal to the boundary is a 1½ storey garage which has been designed through pre-application advice and revised plans submitted during the course of the application to minimise the loss of light to No.1. The new dwelling will be located to the west of this window and considering the orientation and the distances the loss of light is likely to be limited to late afternoon and evening and to a level that is considered to be acceptable.

Concerns have also been raised in regards the first floor west (side) facing window of No.1 which primarily serves a landing and stairway. Although plans do not show the relationship between the proposed dwelling and this window, the location of the window is visibly left of centre if the ridge line is followed down the elevation. The proposed 1 and ½ storey garages rear building line is in line with No.1 ridge line as such although there may be some loss of direct light, this is likely to be limited and is considered to be acceptable.

The proposed dwelling will be separated from the rear facing windows of No.62-66 Stanley Street by 11m, the closest element of the proposed dwelling is a single storey kitchen/diner which is covered by a mono pitched roof with an eaves height of 2.5m. This is set 1m away from the shared boundary and slopes up toward the main 2 storey structure. There are no windows proposed in the side (west facing) elevation, there are 2 rooflights on the side roof plane and patio doors to the front and rear which lead onto the private amenity space. Being single storey only and subject to appropriate boundary treatment the ground floor doors and the rooflights (due to their angle) are not considered to impact the amenity of neighbouring occupiers.

The proposed 2 storey part of the dwelling is separated from the properties along Stanley Street by 14.5m. There is a single small window on the first floor side (west facing) elevation of the proposal which serves a landing and stairway, there are no further windows proposed within the side elevations The closest rear facing first floor window serves a bathroom and will be obscurely glazed.

The acute angle of the rear elevation of the dwelling to the rear elevation of the dwelling will limit any direct views between the properties. It is acknowledged that there will be some level of overlooking between the properties and neighbouring gardens but not unusually so. The introduction of 2m height close boarded fence on the north and west boundaries (which is recommended as a condition) would protect the privacy of the new and existing garden areas, as such the resulting relationship would not be uncommon in an urban area.

A condition has been recommended to remove permitted development rights for additional openings or roof alteration (dormers) in the west, north and east elevations to safeguard the future privacy of neighbouring occupiers.

The resulting garden spaces from No.62-66 will have a depth of 10m. Although this is a significant reduction from the previous garden depth of 25m the space is considered to be adequate for dwellings in an urban environment.

It is noted that the proposed dwelling meets the National Space Standards in accordance with Policy 30 of the JCS.

Bearing the above in mind the proposal 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 8 of the JCS.

4. Access & Parking

Policy 8 (b) of the JCS states that new development should not have an adverse impact on the highway network or prejudice highway safety.

The proposed scheme has an integral single garage which meets the NCC Highways guidance on size, there is also on plot parking to 2 additional cars with the necessary visibility splays in place.

A condition has been recommended to ensure that the parking area is available prior to occupation and retain for parking purposes.

As such the revised proposal is not considered to impact negatively upon highway safety in accordance with Policy 8 of the Joint Core Strategy.

5. Contaminated Land

Policy 6 of the JCS seeks development to be safe in this respect. Any impacts arising as a result of possible ground contamination will be prevented through the provision of an unexpected contamination condition as recommended by the Council's Environmental Health Team.

6. Refuse and Recycling

The revised plans show direct access to the rear gardens from the parking area which will allow easily accessible storage of bins away from the highway and clear access to the kerbside for the containers to be presented on collection day.

7. Sustainable Construction

Policy 9 of the JCS requires new development to incorporate measure to ensure high standards of resources and energy efficiency and reduction in carbon emissions. This includes measures which limit use to no more than 105 litres/person/day. As such a condition had been recommended to ensure compliance and on this basis the scheme is considered to be in accordance with Policy 9 of the JCS

Conclusion

The proposal is considered to satisfy national and local planning policy. It is appropriately designed and will not have an unacceptable impact on the neighbouring properties. 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 Shepherdson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: