#### BOROUGH OF KETTERING

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| **Committee** | **Full Planning Committee - 13/03/2018** | **Item No: 5.2** |
| **Report Originator** | **Andrew Smith**  **Development Team Leader** | **Application No:**  **KET/2017/0903** |
| **Wards Affected** | **Desborough St. Giles** |  |
| **Location** | **50-52 Rushton Road, Desborough** | |
| **Proposal** | **Full Application: 7 no. dwellings with associated parking and creation of vehicular access to serve No.52 Rushton Road.** | |
| **Applicant** | **Mr P Goode** | |

**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 listed below.

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 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 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. 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 amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. No form of boundary treatment or means of enclosure shall at any time be erected forward of the south-facing front elevation or west-facing side elevation of Plot 7 as depicted upon the approved Layout Plan (ref: 2351/34A, received 01/02/2018) unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure active street facing elevations in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to first occupation of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted (to include full details of at least one semi-mature tree specimen to be planted within the rear amenity area of Plot 1 as depicted on the approved Layout Plan (ref: 2351/34A, received 01/02/2018) and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual and residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The first floor and second floor level stairway windows hereby approved on the northern side-facing elevation of Plot 1 and southern side-facing elevation of Plot 6 (as depicted on the approved elevation plans, ref: 2351/30 & 2351/31, received 01/02/2018) shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

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

8. All second floor level, east-facing, dormer windows serving Plots 1-6 and shown to serve en-suite bathroom areas on the approved floor plan and elevation plans (ref: 2351/30 & 2351/31, received 01/02/2018) shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

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

9. The rooflights hereby permitted to Plot 7 (as depicted on approved Layout Plan 2351/34A and Elevation Plan 2351/35A received 01/02/2018) shall be of conservation style; no part of any of these rooflights shall sit above the plan of the roof.

REASON: In the interests of visual amenity and ensuring high quality design in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. 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.

11. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. 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, B or E of Part 1 of Schedule 2 of the Order shall be erected or made 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.

13. All driveway / parking areas shall not exceed a maximum of gradient of 1 in 15 within 5 metres of the edge of the carriageway of the adjoining highway (Rushton Road / Stanton Close) and shall be paved with a hard bound surface for the first 5m from the highway boundary, such surfacing shall thereafter be retained at all times.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Prior to the first occupation of each dwelling hereby permitted, pedestrian visibility splays of 2 metres by 2 metres (measured from and along the highway boundary) shall be provided on each side of each vehicular access hereby approved. These splays shall thereafter be permanently kept free of all obstacles to visibility over 0.6 metres in height above carriageway level.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from each vehicular access point hereby approved does not discharge on to the highway (Rushton Road / Stanton Close) shall be submitted to and 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 maintained.

REASON: In the interests of highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. Any gates provided shall be set back a distance of 5.5 metres from the edge of the vehicular carriageway of the adjoining highway (Rushton Road / Stanton Close) and shall be hung so as to open inwards into the site only.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

17. Prior to the first use of any new vehicular access hereby approved, any access / dropped kerb made redundant by this permission shall be removed with the kerbing reinstated in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory means of access and to ensure that highway safety is not prejudiced in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

18. All dwellings 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 North Northamptonshire Joint Core Strategy.

**Officers Report for KET/2017/0903**

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

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| **3.0** | **Information** |
|  | **Relevant Planning History**  No recent or relevant planning history. |
|  | **Site Visit**  Officer's site inspection was carried out on 22/12/2017 and 24/01/2018. |
|  | **Site Description**  The site occupies the corner of Rushton Road and Stanton Close to the eastern side of Desborough. It was last occupied by a garage business, the former buildings of which have been substantially demolished and only a small derelict part of the former workshop remains in the central area of the site. Remaining areas of the site are somewhat overgrown with the exception of an area of hardstanding located adjacent to Rushton Road. The site is afforded access from both Rushton Road to the south and Stanton Close to the west and is surrounded / opposed to all sides by neighbouring residential properties and their associated garden areas. |
|  | **Proposed Development**  It is proposed that the remaining derelict structure be cleared and the site redeveloped to accommodate 7no. red brick constructed dwellings. 1no. detached 5-bed dwelling would be provided fronting Rushton Road to the south whilst 6no. semi-detached 3-bed dwellings would be provided to the rear of the site and orientated to face westwards on to Stanton Close. All dwellings are proposed to be 2 ½ stories in height, i.e. with a bedroom and en-suite facilities being provided at loft level, and are proposed to each be served by at least 2no. off-street car parking spaces. |
|  | **Any Constraints Affecting the Site**  None. |
| **4.0** | **Consultation and Customer Impact** |
|  | **Desborough Town Council:** Objection to originally submitted plans. Although no objection in principle to redevelopment, the site design squeezes in too many houses that do not enhance the street scene (particularly with respect to Rushton Road where there are adjacent larger individual properties). No comment upon revised plans that were received on 1st February 2018.  **Highway Authority:** Objection, the Highway Authority has policy that states that no more than 5 dwellings should be served from a private drive. However, the Local Planning Authority will be able to consider the merits of the application as a whole, whilst factoring in highways elements. Long extents of dropped kerbs could cause puddling and maintenance issues for utility infrastructure. A condition to ensure that appropriate visibility splays are provided to Rushton Road access points should be imposed, as should conditions to secure a positive means of drainage and the reinstatement of existing access points made redundant by any permission.  **KBC Environmental Health:** Conditions to ensure that the site is properly investigated for contamination and to control working hours as well as informative notes with respect to potential radon and invasive weeds are suggested. The applicant is also requested to consider potential air quality mitigation measures.  **NCC Biodiversity:** No ecological survey has been submitted. There may be some potential for reptiles on-site. Nothing is foreseen that would preclude development, but some mitigation could be needed regarding the timing of the work and possible enhancements – therefore a survey is recommended.  **Neighbours:** Notification letters and re-notification letters (upon revised plans submitted 1st February 2018) were sent out and a site notice was erected adjacent to the site. One response was received and can be summarised as follows:  *81 Westmorland Drive:* Initial objection; the 2 ½ storey properties that are proposed shall offer views to the rear of our property and garden so as to affect privacy. The height of proposed properties should be reconsidered and consideration should be given to planting trees as a buffer.  *Further comments received 28/02/2018:* The initial objection is removed on the basis of planning conditions being placed upon any consent to secure obscure glazing to the rear-facing dormer windows of Plots 1-6 and the planting of a semi-mature tree within the rear garden area of Plot 1. |
| **5.0** | **Planning Policy** |
|  | **National Planning Policy Framework (NPPF)**  Core Planning Principles  Section 6: Delivering a wide choice of high quality homes  Section 7: Requiring good design  Section 11: Conserving and enhancing the natural environment  **Development Plan Policies**  **North Northamptonshire Joint Core Strategy (JCS)**  Policy 4: Biodiversity and Geodiversity  Policy 6: Development on Brownfield Land and Land affected by contamination  Policy 8: North Northamptonshire Place Shaping Principles  Policy 9: Sustainable Buildings  Policy 11: The Network of Urban and Rural Areas  Policy 15: Well-connected towns, villages and neighbourhoods  Policy 22: Delivering Economic Prosperity  Policy 28: Housing Requirements  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 Appearance  3. Residential Amenity  4. Highways  5. Biodiversity  1. Principle of Development  Policy 22 of the JCS seeks to safeguard existing and committed employment sites unless it can be demonstrated that there is no reasonable prospect of the site being used for that purpose and that an alternative use would resolve existing conflicts between land uses. In this instance, whilst the site has historically been occupied by an employment use, it has clearly lain vacant and in a derelict state for an extended period of time within an area typified by residential uses. The principle of redeveloping the site in a residential capacity is therefore supported, particularly given that the proposals – due to the site’s location within the town boundary – would strengthen the network of settlements contained within the Borough in accordance with Policy 11 of the JCS.  2. Design & Visual Appearance  Policy 8 of the JCS requires that development should respond to the site’s immediate and wider context and local character. In the interests of ensuring compliance with Policy 8, the proposed plans have undergone amendment through the planning process to ensure that the character of the immediate area is well respected and to guard against a potential overdevelopment of the site. The amendments have involved a reduction in the number of proposed units from 8no. to 7no.  As amended, a large single feature plot (Plot 7) is now proposed to the Rushton Road frontage of the site. This would occupy a prominent position at the corner of where Rushton Road meets Stanton Close. Plot 7 has been designed to provide an active elevation (incorporating 4no. window openings) to address Stanton Close, which is considered to be important given the views that would be afforded of this when travelling eastwards out of Desborough along Rushton Road. Both the front and side elevations of Plot 7 would incorporate bay window features as well as window lintel and footer details in the interests of adding visual interest and ensuring that Plot 7 picks up on the design and fenestration cues offered by neighbouring large properties fronting Rushton Road. It would also continue the approximate front building line of neighbouring Rushton Road properties.  The originally submitted plans incorporated roof level dormer windows to both the front and rear of all the proposed properties. The designs of the plots have however been amended to remove all street-facing dormers and replace them with less visually imposing roof lights. The area is not generally characterised by dormer openings, which is why these features were requested to be amended – particularly given their generous dimensions as originally proposed.  To the rear of the site, 6no. semi-detached properties are proposed of similar specification and appearance to Plot 7. These would respect the character and appearance of neighbouring properties along Stanton Close, particularly given that they would be set immediately behind frontage car parking – an arrangement that characterises Stanton Close. In the interests of attractive urban design, the plans have been amended during the application process to incorporate low-level elements of soft landscaping so as to seek to break up the expanse of hard surfacing that is proposed in this area of the site.  It is considered that the 2 ½ storey height of the proposed dwellings is adequately reflective of surrounding built form, which is predominantly 2no. stories in height. A streetscene has been provided to show that Plot 7’s ridge height would be approximately 1.3m taller than the neighbouring No.52 Rushton Road. It is considered that this level of differentiation is acceptable, particularly given the variations that are already in place along Rushton Road and the corner location of the plot that lends itself to a landmark / prominent building. To the rear, the land level rises as you move up Stanton Close, which would help to ensure that the newly proposed semi-detached units would not be unduly prominent in terms of their height when considered in the streetscene.  Subject to conditions to ensure the submission of material samples and boundary treatment details, it is considered that the proposals adequately respect the character of the site’s surroundings in accordance with Policy 8 of the JCS. It is also considered that a condition should be imposed to ensure that no boundary treatment can be erected in front of either the front or flank side wall of Plot 7 in the interests of ensuring that the visual amenity of the area is safeguarded and that active elevations do indeed address the streetscene at this prominent southern point of the site.  NB. The revised design has also addressed the objection received from Desborough Town Council.  3. Residential Amenity  Policy 8 of the JCS requires that development should not result in an unacceptable impact upon the amenities of future occupiers, neighbouring properties or the wider area. In this instance it is considered that the scheme achieves compliance with Policy 8. Each plot would be served by an individual private rear garden area and would be positioned / orientated to ensure that it does not raise amenity concerns.  The position of Plot 7 has been amended through the planning process to ensure that an approximate 4m separation distance is achieved to the built extent of neighbouring No.52 Rushton Road to the east. This is in recognition that No.52 is served by a side-facing secondary bedroom window at first floor level and a rear conservatory at ground floor level. This 4m separation is considered to adequately ensure that Plot 7 would not be unduly overbearing or overshadowing upon No. 52.  The relationship between Plot 7 and proposed Plot 6 to the rear is also adjudged to be acceptable. The built extent of Plot 6 would be offset from the rear facing elevation of Plot 7 at a distance of approximately 11.5m, whilst the facing side elevation of Plot 6 would contain only landing windows that can be conditioned to ensure that they are obscure-glazed.  It is considered that Plots 1-6 to the rear of the site, i.e. that front Stanton Close, are also designed and orientated to ensure that neighbouring amenity is safeguarded. Whilst each plot would provide views to the rear of their plots, it is not considered that these views would be unduly sensitive. The roof level rear-facing dormer windows would serve en-suite bathroom areas and are therefore to be obscure glazed accordingly (to be secured via planning condition). The ground and first floor rear-facing openings of Plots 1-6 would immediately overlook their own associated garden in the first instance; only beyond these private areas would views be provided of the northern most portions of residential garden areas serving properties that front Rushton Road to the south. These properties are characterised by particularly long and narrow rear garden areas (i.e. over 100m in length). Subject to the imposition of a planning condition to secure suitably robust boundary treatment to the rear of plots, it is considered that the scheme is acceptable in this context.  It is noted that an initial objection was forthcoming from a neighbour situated to the north east of the application site. Privacy concerns were stated in light of the proposed 2 ½ storey height of the development. It is not however considered that the objector’s privacy would be adversely impacted upon in this instance. Furthermore, that objection has now been withdrawn. As explained above, the newly proposed Plots 1-6 would be orientated to face over neighbouring rear garden land and roof level openings would be obscure-glazed. Views toward properties to the north east would be at an oblique angle, whilst the nearest built extent of No. 81 Westmorland Drive (No. 81) would be sited approximately 20m away from the nearest built extent of Plot 1. Whilst some oblique views of No.81’s garden may be afforded, it is not considered that this would have an undue adverse impact upon residential amenity – particularly given the presence of a robust close-boarded boundary treatment already in place between the respective sites and the fact that No. 81 sits on slightly higher ground than the application site (i.e. ensuring views would not be provided from an unduly high vantage point relative to the rear garden area of No.81). Furthermore, the applicant has agreed to plant a semi-mature tree specimen within the rear garden area of Plot 1 to further mitigate any potential impact in this area (to be secured via planning condition).  To the immediate north of the application site is situated a single storey property - No. 21 Stanton Close (No. 21). The newly proposed Plot 1 would be aligned with and oriented consistent with No. 21. The facing side elevation of No.21 is predominantly blank with the exception of a door opening and single obscure-glazed secondary opening. It is not considered that the amenities of the occupier of No. 21 would be adversely affected in this context – particularly given the slightly lower ground level on-site. Fleeting oblique views may be provided from the development of No. 21’s rear garden, but not to such an extent that would be adjudged to cause undue harm to residential amenity. The north-facing stairway windows that are proposed to the side elevation of Plot 1 would be obscure-glazed to further safeguard amenity (to be secured via condition).  Policy 30 of the JCS requires that new dwellings must meet the National Space Standards as a minimum so as to secure an appropriate standard of accommodation. The proposed properties meet the prescribed standards. Plots 1-6, when assessed on the basis of being 2 storey dwellings, provide approximately 84 sq. m. of internal space (of which approximately 20 sq. m. would be provided at loft level), whilst the floor plans indicate open plan layouts at ground floor with relatively spacious bedroom and washroom areas located across the upper floors. Plot 7, a five-bedroomed plot, comfortably exceeds the relevant standards in this context.  4. Highways  Policy 8 of the JCS requires that developments do not prejudice highway safety and that a satisfactory means of access and adequate provision for car parking is ensured. In this instance the Highway Authority have objected to the proposals on the basis that shared private drives should not ordinarily serve in excess of five dwellings, which in accordance with their own Standing Advice (not adopted by KBC). In this instance Stanton Close, a cul-de-sac, is not adopted and therefore constitutes a private drive that already serves 12no. residential dwellings.  Notwithstanding Highways’ objection, the consideration to be had is whether the proposed development, if built, would prejudice highway safety in non-compliance with Policy 8 of the JCS. In this instance it is not considered that it would. Stanton Close constitutes a straight piece of road with good visibility all the way along it (including where it meets Rushton Road at its southern end). It is also served by a footway running its eastern side. It is not heavily trafficked, as confirmed during the officer’s visits to the site and as you might expect given that it provides no through-route at its northern end.  It should also be noted that the proposed development would provide generous off-street car parking provision. Each of the six newly proposed dwellings on Stanton Close would be served by 2no. parking spaces. It should also be noted that the majority of the site’s street frontage already has a dropped kerb in place that would have served the previous garage / workshop use of the site. In this context it is not considered that the development would place undue pressure upon on-street car parking in the area, including along Stanton Close. As a further note and for the avoidance of doubt, the future maintenance responsibilities for Stanton Close would fall (as they do now) to the respective property owners that abut the road – not the Local Highway Authority because of its un-adopted status.  Hardstanding and a dropped kerb are already in place from Rushton Road to serve proposed Plot 7. The proposals also involve the creation of a vehicular access and off-street car parking to serve No.52 Rushton Road in the southeast portion of the application site. It has been demonstrated that there is ample space to accommodate two car parking spaces on-site. Planning conditions should be imposed to secure that hard bound access / parking areas are indeed provided at an appropriately shallow gradient, to ensure the reinstatement of any redundant dropped kerb access to standard kerbing and to ensure that pedestrian visibility splays are indeed provided to either side of access points. On this basis it is considered that highway safety would not be prejudiced in accordance with Policy 8 of the JCS.  5. Biodiversity  Policy 4 of the JCS requires that existing biodiversity and geodiversity assets be protected and habitats be manged in an appropriate manner. The Biodiversity Officer has noted that the site may hold some potential to support reptiles and have recommended that survey work be carried out. However, following an officer’s visit across all areas of the application site, it is considered that it would be onerous to insist upon survey work. Much of the site is either hard surfaced or laid to grass and there would appear to be limited potential for suitable wildlife habitat to be present. In the interests of prudency, an informative should be added to any consent to remind the applicant of their responsibilities with respect to protected species in accordance with the relevant wildlife legislation. |
|  | **Conclusion**  It is considered that the proposed residential re-development of site would appropriately respect the character and appearance of the site’s surroundings whilst safeguarding residential amenity and not prejudicing highway safety in accordance with Policies 8, 11 and 30 of the North Northamptonshire Joint Core Strategy and the policy guidance set out in the National Planning Policy Framework. |

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| **Background Papers** |  | **Previous Reports/Minutes** |
| Title of Document: |  | Ref: |
| Date: |  | Date: |
| Contact Officer: | Andrew Smith, Development Team Leader on 01536 534316 | |