

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/09/2018	Item No: 5.2
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2018/0395
Wards Affected	Desborough St. Giles	
Location	44 Rushton Road (land adj), Desborough	
Proposal	Outline Application: 3 no. dwellings	
Applicant	Mrs S Baker	

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. Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, shall include the position, size/scale and layout of the proposed dwellings and any ancillary buildings, the external appearance of any buildings to be erected, the means of access to the site and the proposals for landscaping of the site, which shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

4. The plan form/layout of dwellings as shown on drawing number 4582/AG/18003B is not approved by virtue of this outline consent.

REASON: The indicative plans are not sufficient to determine the proposed dwellings and in the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The total number of dwellings within the approved site shall not exceed 3.

REASON: In the interests of the amenities and character of the area and to secure a satisfactory form of development. To comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The dwelling hereby approved shall be two-storey and contain no more than a ground and a first floor with no rooms or habitable accommodation in the roof.

REASON: In the interests of the amenities and character of the area and to secure a satisfactory form of development. To comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. 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.

8. Works audible at the site boundary will not take place at the following times: 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.

9. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.

REASON: In the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess

the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 15 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

11. The dwellings shall be constructed in accordance with a scheme that shall have been first submitted to and approved by the Local Planning Authority prior to erection of any dwelling to protect the residential units from railway vibration. Once approved the scheme shall be implemented prior to the first occupation of any of the residential units hereby approved and maintained in the approved state at all times thereafter. No alterations shall be made to the approved structure of the units including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, any existing trees to be retained, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. The works approved 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 amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

REASON: Details of materials are necessary prior to the commencement of development in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Prior to first use or occupation of the development hereby permitted, the means of access shall be paved with a hard bound surface for the first 5m from the highway boundary and such surfacing shall thereafter be retained. The maximum gradient over the 5m distance shall not exceed 1 in 15. No more than 11m of dropped kerb is permitted before a minimum of 1 full height kerb is provided.

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

15. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.0m by 2.0m shall be provided on each side of the vehicular access, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.6m in height above the access/footway level.

REASON: In the interests of highway safety 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 (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. 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.

18. Prior to the commencement of the development hereby permitted, details of a 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 retained.

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

19. No occupation shall take place on site until details of a scheme for the construction and finish of the proposed footway in accordance with the specifications of the Local Highway Authority has been submitted to and approved by the Local Planning Authority. Thereafter the approved details of a 2m wide footway for the extent as indicated on plan reference 23735_08_020_01 shall be fully implemented before the first occupation of any dwelling.

REASON: The footway is necessary to ensure a satisfactory standard in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0395

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

3.0 Information

Relevant Planning History

KET/1987/0520: Private dwelling - Approved subject to conditions

Site Visit

Officer's site inspection was carried out on 26/06/2018.

Site Description

The site occupies the corner of Rushton Road and Stanton Close to the eastern side of Desborough. The site is garden land to No.44 Rushton Road and consists of outbuildings and the land in the north consists of overgrown vegetation. The site is afforded access from Stanton Close to the east, which currently serves access to No's.10-21 Stanton Close.

The site is surrounded by all sides by neighbouring residential properties and their associated garden areas. The site on the opposite side of the road at Stanton Close is former garden land and benefits from a recent planning permission for 7 no. dwellings (KET/2017/0903).

Proposed Development

It is proposed to construct three two-storey detached dwellings on this site with associated vehicular access. The application is outline only and all matters are reserved. The proposed site plan shows floor plans of particular dwelling types but as there are no other details, these must be regarded as indicative.

During the course of the application process, the developer has agreed to construct a footpath alongside the development fronting onto Stanton Close and joining from Rushton Road south to the site.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Town Council

No comments received.

Highway Authority

Objection. Stanton Close is not an adopted road and should not serve more than 5 dwellings. The new 2m wide footpath should link to the south from Rushton Road. There is no evidence of visibility splays, visitor car parking, cycle parking, drainage and bins. Plot 1 should have 3 car parking spaces; however a garage would make 1 car parking space.

Archaeological Officer

No comments because the area has already been quarried.

Environmental Health Officer

No objection subject to conditions on construction method statement, contaminated land, protection from noise and protection from vibration. There should be an informative on radon.

Neighbours

No comments received.

5.0 Planning Policy

National Planning Policy Framework

Policy 2: Achieving Sustainable Development

Policy 5: Delivering a Sufficient Supply of Homes

Policy 9: Promoting Sustainable Transport

Policy 11: Making Effective Use of Land

Policy 12: Achieving Well-designed Places

Policy 15: Conserving and Enhancing the Natural Environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

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 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. Character, Design and Visual Impact
3. Residential Amenity
4. Highway Safety, Access and Parking
5. Contaminated Land

1. Principle of development

The site currently is land adjacent to No.44 Rushton Road, Desborough within a built up area. The application seeks outline permission with all matters reserved to construct three two-storey dwellings on this site.

The application site lies within the town boundary of Desborough. The scheme would therefore strengthen the network of settlements within the borough in compliance with Policy 11 of the North Northamptonshire Joint Core Strategy.

Policy 11 of the National Planning Policy Framework (NPPF) encourages use of land within existing settlements where future occupants can benefit from established amenities and public transport.

Policy 29 of the Joint Core Strategy (JCS) states that the re-use of previously developed land is encouraged, however it should be noted that the NPPF classifies garden land as previously undeveloped land.

The site is however, located within the settlement boundary of Desborough. In principle, development of a suitable proposal is acceptable.

2. Character, Design and Visual Impact

Policy 8(d) (i) of the North Northamptonshire Joint Core Strategy requires new development to be high quality in design and to respond to the site's immediate and wider context and local character.

The character of existing properties with dwellings, is large and spacious garden land. The site on the opposite side of the road at Stanton Close that benefits from the recent planning permission for 7 dwellings consisting of 6 no. semi-detached two-storey dwellings fronting Stanton Close and 1 no. detached two-storey dwelling fronting Rushton Road (KET/2017/0903), would provide far more modest sized gardens.

It is proposed that 3 no. two-storey detached residential units be constructed upon the site and an illustrative layout has been provided. Drawing No. 4582/AG/18/003B illustrates that it is possible to fit 3 no. units on to the site appropriately and that the dwellings would be highly visible within the streetscene of Stanton Close. There would be space between the detached dwellings so there would not be the creation of a terraced effect.

Whilst much of the local area along Rushton Road and Stanton Close is characterised by two-storey terraced housing, it is noted that there are also examples of detached and semi-detached plots and recent permission for 7 no. 2 ½ storey units within the locality.

The land level rises as one moves up Stanton Close (towards the north). A condition is recommended to ensure the heights of the proposed dwellings would not be more than 2 storey to ensure that overall the proposed detached units would not be unduly prominent in terms of their height or adversely impact the existing streetscene.

The locality is characterised by a variety of properties, built in different styles, using a variance of materials of varying ages. Plot widths and building lines also vary along Stanton Close.

It is considered that there is the potential for detached two-storey units to respond acceptably to local character, particularly if positive design cues are replicated such as bay window features as well as window lintel footer detailing to provide visual interest.

The proposal is therefore considered acceptable in principle on this basis subject to conditions including requiring detailed plans showing footprint and positions of dwellings which are related also to appropriate elevations still to be provided and with materials that are suitable.

The proposed dwellings would be set immediately behind frontage car parking which is an arrangement that characterises Stanton Close and therefore the layout would respect the character and appearance of neighbouring properties along Stanton Close. In the interests of attractive urban design, the reserved matters/discharge of condition application(s) would condition for soft and hard landscaping in order for the design to incorporate low-level elements of soft landscaping so as to seek to break up the expanse of hard surfacing that is proposed in the front/side of the dwellings.

The site has a number of trees but the site is outside the conservation area and there are no TPO's within the site. The felling of some of the trees is considered acceptable, noting that the state of the overgrowth is likely to include some self setting trees.

Policy 9 of the JCS requires that all residential development should incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day.

It is considered that providing the proposed dwelling is two-storey and the elevations and materials are appropriate for the character of the streetscene, then it is unlikely to have a significant adverse impact on the character of the area or the street scene, and therefore be in accordance with Policy 8 of the JCS.

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. Policy 8 (e) (i) of the JCS seeks development to prevent harm to residential amenities of neighbouring properties, by reason of overbearing, loss of light or overlooking.

The site is surrounded by residential properties to the south and west and has the potential to be surrounded by residential properties to the east of the site. 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.

Although only an illustrative layout has been provided at this stage, it would appear that the proposed units could be sensibly orientated and setback from the rear elevations of the properties at Rushton Road so as to guard against direct views being provided between the rear elevations of the newly proposed units and Rushton Road properties to the west. The proposed units would need to be setback as far as feasibly possible from the western boundary of the site to guard against immediate overlooking of neighbouring rear residential gardens.

It is noted that the north-east facing side elevation of the existing No.44 Rushton Road includes two non-obscure window openings. The elevations and floorplans within the reserved matters application(s) would need to be carefully designed to ensure that the amenities of the current occupiers of No.44 are safeguarded from any potential overbearing or overshadowing impacts. This will be considered further when detailed proposals are submitted. As a result of the proposed development there would remain adequate garden land for the amenity of the occupiers at No.44.

The indicative plan indicates that the farthest northern proposed dwelling (Plot 3) could be set further forward than the existing No.21 Stanton Close so there would be no direct overlooking. However, this will be evaluated further when all detailed plans are submitted for approval. The site on the opposite side of the road at Stanton Close is former garden land and benefits from a recent planning permission for 7 dwellings consisting of 1 no. detached two-storey dwelling and 6 no. semi-detached two-storey dwellings (KET/2017/0903). These permitted dwellings and the proposed dwellings would have a likely separation distance between the dwellings of approximately 16.5-26m.

Given the closeness of the development to surrounding residential development within Rushton Road and Stanton Close, conditions are attached to reasonably limit working hours during construction and Construction Method Statement. A scheme for protection from railway vibration to future dwellings is recommended.

There would be an adequate rear garden size for the enjoyment of the amenity

of the future occupants. There is space for adequate provision of bins within the rear garden and an adequate gap along the side of each of the dwellings in order to move the bins out and in for collection on bin day. This would be looked at in greater detail in the reserved matters application.

With careful siting and design of the dwellings, the proposal is unlikely to have a significant impact on the amenity of neighbours in accordance with Policy 8 of the JCS.

4. Highway Safety, Access and Parking

Policy 8 (b) of the JCS, requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and states that developments must not have an adverse impact on the highway network or prejudice highway safety.

The Highways 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 11 no. residential dwellings. The planning permission in place that would result in an additional 6 no. residential dwellings to be served off Stanton Close (KET/2017/0903) is noted. Given the spaciousness of the layout for the proposed flats and there is already accessibility from Stanton Close for 11 no. dwellings and permission for a further 6 no. dwellings so therefore the use of the road has been acceptable for development.

Consideration is therefore given as to whether the proposed development, if built, would prejudice highway safety (Policy 8 of the JCS). Stanton Close constitutes a relatively straight piece of road with good visibility all the way along it (including where it meets Rushton Road at its southern end). Stanton Close is not heavily trafficked, as confirmed during the officer's visits to the site and as one might expect given that it provides no through-route at its northern end. Conditions are attached to ensure there are adequate visibility splays, access gradient, dropped kerb measurements, drainage and means of enclosure.

The site is to be served by a footway running alongside its eastern boundary to a standard that meets the highway specification for footways. The developers have agreed to construct such a footway alongside the development fronting onto Stanton Close and linking to Rushton Road in the south. A Grampian condition is attached with respect to this part of the proposal.

The indicative site plan makes provision for 1 no. detached 4-bed dwelling served by 2 no. off-street car parking spaces (Plot 1), 1 no. detached 3-bed dwelling served by 1 no. off-street car parking spaces (Plot 2) and 1 no. detached 2-bed dwelling served by 1 no. off-street car parking spaces (Plot 3). Although Plot 1 should have 3 car parking spaces, there is the potential for the dwelling to incorporate a garage to provide the needed additional parking

space. The proposed development would provide generous off-street car parking provision. It is also recognised that the site is well served by buses into the town centre. 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.

There is adequate space within the rear of each of the sites for the provision of bicycle storage. This would be looked at in greater detail in the reserved matters application.

Therefore, having considered the Local Highway Authority's policy objection, the elements of the proposal described and noting the road is properly surfaced, it is considered that the proposal is not contrary to the aims and objectives of NPPF and JCS Policy 8 (b) (ii).

5. Contaminated Land

Due to levels of naturally occurring arsenic and other contaminants found in Northamptonshire soils, it is considered necessary to impose a condition on the application that requires a desk-top study of the site and remediation works if necessary. Provided that this condition is attached to any approval then Environmental Health has no objection to the proposal and the scheme would accord with Policy 8 of the JCS.

Conclusion

Subject to details to be contained within reserved matters application(s)/discharge of condition(s), the proposal is considered acceptable in terms of its impact on the street scene, the surrounding area and residential amenity. The impact of the proposal on neighbouring dwellings is limited. The proposal accords with the Development Plan.

Background Papers

Title of Document:

Date:

Contact Officer:

Natalie Westgate, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: