

BOROUGH OF KETTERING

Committee	Full Planning Committee - 15/01/2019	Item No: 5.7
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2018/0859
Wards Affected	Welland	
Location	43 Rushton Road (land adj), Wilbarston	
Proposal	Full Application: 1 no. dwelling and associated access drive	
Applicant	Mr & Mrs Harris	

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 in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The parking spaces hereby approved 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 and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

5. No development shall commence on site until details of the materials to be used for the new access road and parking area have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the dwelling is first occupied.

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

6. 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 use hereby permitted shall not commence 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.

7. 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.

8. 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 western side elevation 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.

9. 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 the North Northamptonshire Joint Core Strategy 2016.

Officers Report for KET/2018/0859

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

3.0 Information

Relevant Planning History

None

Site Visit

Officer's site inspection was carried out on 21/12/2018.

Site Description

The application site is located to the eastern side of Wilbarston within the designated village boundary and within an established residential area. The site also lies within Wilbarston Conservation Area.

The application site sits to the end of a cul-de-sac adjacent to No.43 Rushton Road. The site is located on the north-eastern side of Rushton Road. There is a variety of house types and designs in the streetscene. The surrounding dwellings comprise of large dwellings with long deep gardens.

The front of the site consists of a hard-surfaced and gravelled driveway that slopes up the site. To the rear there is an extremely large sized garden that would sit on higher ground level than the proposed driveway. Walls, gates and dense landscaping surround the site.

Proposed Development

It is proposed to construct a 3/4-bedroom detached dwelling situated on a parcel of land adjacent to the residential property of No.43 Rushton Road. The proposed layout shows parking for 3 vehicles within the front of the site. There would be a large deep rear garden.

As a result of the separation of the plot, there would remain a large deep rear garden and adequate parking spaces at No.43 Rushton Road.

The width of the dwelling would be 8.2m, the depth would be 13.6m and the maximum height would be 6.9m to the ridge and 3.7m to the eaves.

Any Constraints Affecting the Site

Wilbarston Conservation Area
Adjacent to Public Right of Way

4.0 Consultation and Customer Impact

Parish Council

Wilbarston Parish Council supports the application. There should be consideration on the effect on traffic on the un-adopted road.

Environmental Health Officer

No comments subject to condition on contaminated land and an informative on radon.

Cadent Gas Ltd

Cadent have identified operational gas apparatus of low or medium pressure gas pipes and associated equipment within the application site boundary. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details should be approved by the landowner and Cadent before carrying out any works on site. If buildings or structures are proposed directly above the gas apparatus then development should follow a diversion of the apparatus. If any construction traffic is likely to cross a Cadent pipeline then the applicant should consider if protection measures are required. All persons working on the site near to the Cadent apparatus shall follow the requirements of the HSE Guidance Notes HSG47 – 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded at <http://www.hse.gov.uk>.

Neighbours

There were concerns from 2 neighbouring properties. The concerns were relating to the effect the development would have on the un-adopted road leading up to the site.

5.0 Planning Policy

National Planning Policy Framework

Policy 5: Delivering a Sufficient Supply of Homes

Policy 9: Promoting Sustainable Transport

Policy 12: Achieving well-designed Places

Policy 16: Conserving and Enhancing the Historic Environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 2: Historic Environment

Policy 3: Landscape Character

Policy 5: Water Environment, resources and Flood Risk Management

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 for Urban and Rural Areas

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 RA3: Rural Area: Restricted Infill Villages

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 and Character
3. Sustainable construction and design standards
3. Impact upon neighbours amenity and amenity to the future occupiers
4. Highway Safety, Parking and Rights of Ways
5. Contaminated Land

1. Principle of Development

The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and the open countryside. Development in the villages will only be permitted under certain circumstances as discussed below.

The proposed development would be sited within Wilbarston which is defined as a Restricted Infill Village by LP Policy RA3 of the Local Plan (LP) 1995. The proposal site is within the Rural Policy Area as defined by Joint Core Strategy (JCS) 2016 Policy 11.

Saved Policy RA3 (Local Plan) defines Wilbarston as a restricted infill village. Policy RA3 states that planning permission will only be granted for new residential development where the following criteria is met; the proposal is appropriate in terms of size, form, character and setting of the village and in terms of the local community and its environment; the proposal does not involve the development of open land; the proposal is compatible with other policies and proposals in the Plan, particularly in relation to conservation, design, density, site layout, access, drainage, landscaping and open space provision; and the proposal takes account of the need to conserve energy through good building design and the use of appropriate materials.

Policy 11 (JCS) defines the settlement hierarchy which underpins the focus and priorities for new development throughout the borough, with principle focus of housing delivery being directed towards the growth town of Kettering, and with secondary focus being directed to the market towns. Policy 11 (JCS) states that growth in villages should be limited to small scale infill on suitable sites where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of the local infrastructure and services. In this instance, the proposal does accord with the relevant requirements of this policy.

The housing requirements for the borough and rural area over the plan period are set out in Policies 28 and 29 (JCS). Policy 29 sets out that the Growth

Town of Kettering will be the strong focus for new housing as this is the most sustainable location for development; this is followed by the market towns and then small scale infilling or rural exception schemes.

The proposal development is in accordance with Policies RA3 of the Local Plan and Policy 11 of the North Northamptonshire Joint Core Strategy.

2. Design and Character

Policy 8 of the JCS states that new development should be high quality in design and respect and enhance the character of its surroundings.

The local built form is two storey modern vernacular dwellings finished in a local stone and slate roof material. Being situated within the Wilbarston Conservation Area, the guidance contained within the NPPF and the requirements of Policy 2 (Historic Environment) of the North Northamptonshire Joint Core Strategy (JCS) both expect that the design and scale of any future dwelling would continue to enhance the character and heritage significance of its location. The proposed building line would be consistent with the neighbouring property, No.43 Rushton Road. The proposed two storey scale, massing and design features such as front dormer windows and proposed materials are consistent with the adjacent neighbouring property, No.43 Rushton Road so therefore the proposed development would be in keeping with the character of the streetscene and this part of Wilbarston Conservation Area. The proposed window coursing would add interest to the character of the proposed dwelling. There is a condition to ensure the materials would be in keeping with the locality and character of the conservation area.

The site is adjacent to agricultural land. Policy 3 of the JCS seeks a development that would remain sensitive to its landscape setting and enhance the distinctive qualities of the local surrounding landscape. The majority of the mature trees would remain and the 1 tree to be felled is situated alone at odds within the site so therefore the loss of the tree would not be detrimental to the character of the conservation area. Neighbouring dwellings are characterised by substantial front and rear gardens and the proposal would carry on this approach as well as provide for a curtilage that would maintain mature planting and established features such as stone walls located on the boundaries. There is a condition on boundary treatment to ensure the walls on the boundary treatment remains and that all boundary treatment is relevant to the setting within the Conservation Area.

The proposal development is not considered to impact adversely upon the character of the local area and is in accordance with Policy 8(d) of the North Northamptonshire Joint Core Strategy.

3. Sustainable construction and design standards

Policy 9 of the North Northamptonshire Joint Core requires new development to incorporate measures to ensure high standards of resources and energy efficiency and reduction in carbon emissions. This includes measures which limit water use to no more than 105 litres/person/day. A condition is attached to ensure this approach occurs.

Policy 30 of the North Northamptonshire Joint Core Strategy requires new development to meet Category 2 of the proposed National Accessibility Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities and to meet the National Space Standards as a minimum. The proposed development would meet space standards.

The proposal development is in accordance with Policies 9 and 30 of the North Northamptonshire Joint Core Strategy.

4. Impact upon neighbours amenity and amenity to the future occupiers

Along with seeking development to respect the character of an area, Policy 8 of the JCS seeks development to prevent harm to residential amenities of neighbouring properties, by reason of overbearing, loss of light or overlooking.

The only neighbouring property to be impacted by the proposed development would be the adjacent neighbouring property, No.43 Rushton Road. The proposed dwelling would be set off the common boundary to No.43 by approximately 0.8m and would have a separation distance between the dwellings of approximately 1.8m. The proposed dwelling would be set back by approximately 1m from No.43 at its nearest point to No.43. Given this coupled with this proposed projection being single storey level with a hipped roof, there would not be an overbearing impact nor loss of light detrimental to the residential amenity of the occupiers at No.43 to warrant refusal of the application.

There are no proposed first floor side windows facing the neighbouring property, No.43 Rushton Road. There is a condition to remove permitted development with respect to openings to ensure there would not be overlooking issues to the neighbouring property, No.43 Rushton Road.

The proposed dwelling would provide adequate amenity levels with adequate space for parking, cycle storage and refuse facilities within the site.

It is therefore considered that the proposed development is in accordance with Policy 8(e) (i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon the amenities of neighbouring properties.

5. Highway Safety, Parking and Rights of Ways

Policy 8(b) (ii) of the JCS requires development to make safe and pleasant streets by ensuring a satisfactory means of access and provision for parking, serving and manoeuvring.

The proposed development would create a 3/4 bedroom property. There is adequate space in front of the site for 3 parking spaces as well as adequate turning spaces in the locality.

There would remain adequate parking spaces in front of No.43 Rushton Road

so therefore the separation of the plot would not create parking pressures to the locality.

The site would be located some distance from the highway. The road is served by an un-adopted road and therefore maintenance of the road is a civil matter for the owners within the street and therefore the impact upon the road would not be a planning consideration. The existing vehicular access would be extended to serve the site. There is a condition for details of the materials of the extended road and parking area to ensure the surfacing is appropriate and would fit in with the character of the conservation area/locality. It was evident from the site visit that this area is already used by parked vehicles with dog walkers using the adjacent fields so the proposed improved road would be of benefit to the locality.

Two Public Rights of Ways (PROW) pass east -west directly to the south of the site (HH/008) and north-south to the side of the site (HH/023). Although the proposed development would not be on the Public Rights of Way, any temporary stop-up or re-routing either of these footpaths would need the express consent from the Rights of Way Officer of Northamptonshire County Council prior to carrying out any works and there is an informative attached to that affect. There is also an informative with respect to gas apparatus in response to comments received by Cadent Gas Ltd.

The scheme would not prejudice highway safety and there would be adequate parking within the site, therefore the proposed development would be in accordance with Policy 8 of the JCS.

6. Contaminated Land

Due to the underlying geology present throughout Northamptonshire, there is potential for contaminated land to be present so there should be the condition as recommended by the Environmental Health Officer. There would also be an informative on radon, as recommended by the Environmental Health Officer. This would be required to be in accordance with Policy 11 of the NPPF.

Conclusion

The proposed development is appropriately designed and will not impact on the amenity of the neighbouring properties. In light of the plans of the site, the proposal is considered to satisfy national and local planning policy. As such it is recommended that planning permission should be granted subject to the recommended conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Natalie Westgate, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: