

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 19/11/2019</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Amy Shepherdson Development Officer</b>	<b>Application No: KET/2019/0597</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>2 &amp; 8 Nunnery Avenue (land between), Rothwell</b>	
<b>Proposal</b>	<b>Full Application: 1 no. dwelling</b>	
<b>Applicant</b>	<b>Mr L Burley Beechdale Builders</b>	

### 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. The development hereby permitted shall not be occupied until the vehicle parking area together with visibility splays has been constructed in accordance with the approved plan (82-142-02) and that area shall thereafter be reserved for the parking.

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

4. 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.

5. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, 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.

6. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority. 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.

7. In accordance with the approved sustainability statement (received 23/08/19) 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 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 building, structure or other alteration permitted by Class A,B, D and E of Part 2 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the amenity of adjoining occupiers and the on-plot parking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## Officers Report for KET/2019/0597

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

### 3.0 Information

#### Relevant Planning History

Application No.	Description	Decision	Decision Date
KET/2016/0300	1 no. dwelling	Approved	21/06/16

#### Site Visit

Officer's site inspection was carried out on 26/09/2019.

#### Site Description

The application site is located within an established residential area in the north-west of Rothwell within the designated town boundary.

The application site is rectangular in shape and fronts Nunnery Avenue close to the junction with Desborough Road. The site is a vacant plot which was formally part of the private garden land for No.2 Nunnery Avenue. The boundary treatment to the rear and right-hand boundary with No. 2 is a 1.8m close boarded fence and to the left a 1m close boarded fence.

The application site sits within a street which has a variety of architectural styles and a varying palette of external finishes. This transitions to a more unified character of semi-detached dwelling as you travel north-west along the street with render as a finish at first floor level.

Most of the neighbouring properties have on-plot parking for at least 2 cars with reasonably open front gardens.

#### Proposed Development

This application seeks planning permission for a 1no. dwelling. The proposed dwelling is 2 storey, detached and with 3no. bedrooms. The proposed layout can accommodate 2 vehicles onsite to the front of the dwelling and a small private garden to the rear.

The applicant has revised the proposal during the application to reduce the depth of the rear projecting element at first floor level to address officer concerns. A street scene has also been provided to show how the proposed dwelling will sit next to the neighbouring properties.

#### Any Constraints Affecting the Site

None

#### **4.0 Consultation and Customer Impact**

##### **Rothwell Town Council**

Objection – Feel that this would be an overdevelopment on the proposed location and question the height of the roof line and adverse effect it would have on neighbouring properties. (*Officer note - Comment based on the original plans*)

##### **KBC - Environment Health**

Request the following conditions:

- Unexpected contaminated.
- Working Hours for Construction
- Informative on Radon.

##### **Neighbours**

Notification letters were sent out to neighbours in close proximity and a site notice was erected at the site; no responses were received.

##### **Planning Policy**

##### **National Planning Policy Framework (NPPF 2019)**

Section 2- Achieving sustainable development

Section 5- Delivering a sufficient supply of homes

Section 11- Making effective use of land

Section 12- Achieving well-designed places

##### **Development Plan Policies**

##### **North Northamptonshire Joint Core Strategy (JCS 2016)**

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 9 Sustainable Buildings & Allowable Solutions

Policy 11 The 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 1995**

Policy 35 – Housing with Towns

#### **6.0 Financial/Resource Implications**

None

#### **7.0 Planning Considerations**

The key issues for consideration in this application are:-

- 1 - Principle of the development
- 2 - Character and Appearance
- 3 - Residential Amenity
- 4 - Parking and Highway Safety

- 5 - Contaminated Land
- 6 - Energy Efficiency and Sustainable Development

### 1. Principle of the 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 consists of the North Northamptonshire Joint Core Strategy (JCS) adopted in July 2016, which provides the spatial vision for North Northamptonshire, and saved policies from the Local Plan for Kettering Borough. The JCS covers the plan period up to 2031.

Policy 11 of the JCS for Kettering Borough requires new development to be focused within designated settlement boundaries. The application site is located within the designated settlement boundary of Rothwell where development is considered appropriate subject to compliance with all other relevant policies.

The NPPF classifies garden land as previously undeveloped and is therefore not a priority for development. Whilst this is so, Policy 29 of the JCS defines Rothwell as a 'Market Town' due to its good level of services and public transport.

The application site is a vacant plot within a residential street which lends itself to development. The site has previously been granted outline planning permission for a dwelling under KET/2016/0300.

As such the principle of development is considered to be established.

### 2. Character and Appearance

Policy 2 of the NPPF (2019) 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 12 of the NPPF (2019) and Policy 8(d) of the JCS requires development to respond to the sites immediate and wider context and local character.

The proposed dwelling is a two-storey structure with faces south onto the road with a gable ended roof with the ridgeline running parallel with the road. The dwelling has a rear projecting element which is partially two storey and partially single storey.

The main house is shown as 7.8m height on the application plans and the applicant has submitted a street scheme to show how the proposed dwelling will visually sit between No. 2 and No.8. The ridge height matches that of No. 8 and is set just above the height of No.2.

This part of the street does not have an overriding character between the dwellings with their design or materials. The proposed materials are red facing bricks with light brick band course, white uPVC windows and doors and a grey concrete tiled roof.

These materials appear to sit comfortably within the street however a condition is recommended for full details of the materials to be submitted prior to their installation.

The Town Council have raised concerns about the proposal being overdevelopment and raised concern about the proposed height of the dwelling. The proposed layout allows for parking on site and adequate rear amenity space. The proposed ridge height sits comfortably within the neighbouring dwellings as shown on the frontage elevation.

The proposed dwelling appears to sit comfortably within the street and respond to the sites immediate and wider context and local character as such is in accordance with Policy 8 of the JCS and Policy 2 and 12 of the NPPF.

### 3. Residential Amenity

The JCS in Policy 8 (e), consistent with Policy 12 of the NPPF seeks development to protect the amenity of all future and surrounding users of land and buildings.

Policy 8 of the JCS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed dwelling sits in line with other dwellings on the street. The front windows are directly opposite No.3 Nunnery Avenue and the rear windows face No. 65 and 67 Desborough Road. Through the application the applicant has amended the proposed plans to reduce the scale of the rear projecting element at first floor level so that there is a minimum of 24m separation between the first floor of the proposed site and the first floor of No. 65 Desborough Road to the rear.

In regard to the neighbouring properties there are no openings at either ground or first floor level on the flank elevations facing into the site on No.2 or No.8 Nunnery Avenue. The window proposed on the first floor of the dwelling serves a bathroom and is obscurely glazed.

The proposed dwelling has a front building line which is very similar to that of No. 2, the rear building line at first floor level does sit approximately 3m further into the site than No.2 and as such there is potential for this to have some impact when looking out of the rear windows of No. 2. However that being said, the proposed dwelling will sit to the west of No.2 and as such there will only be a small loss of ambient light toward the end of the day. Although there is some amenity impact on the occupiers of No.2 these are considered to be limited to a level which is acceptable.

No. 8 has both a front and rear building line which sit further into the plot than that of the proposed dwelling which is proposed to the east of No.8. There is likely to be some loss of light to the garden of No.8 but this is limited when the sun is low and considered to be an acceptable impact in an urban environment.

Given the relationship between surrounding properties and other views already present, as well as this being an urban location where this type of relationship is not uncommon, the proposal is not considered to bring about a loss of privacy which is harmful to neighbouring occupiers.

No objections have been received from neighbouring properties.

Policy 30(b) of the JCS requires the floor space of all new dwellings to meet the National Space Standards as a minimum to provide residents with adequate space for basic furnishings, storage and activity.

The proposed dwelling would meet National Space Standards on the basis of a 3 bed 6 person dwelling and is therefore 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 of either neighbouring or future occupiers, it is considered to be in accordance with Policy 8(e) of the JCS.

Considering the urban environment and in accordance with KBC Environmental Health's comments a condition is recommended to limit the hours of construction.

#### 4. Parking and Highway Safety

Policy 8(b) of the North Northamptonshire Joint Core Strategy requires new development to have a *satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards*, and not to have an adverse impact on the highway network nor *prejudice highway safety*.

The proposed layout includes a parking area to the front of the property suitable for 2 cars. There is a 2x2m visibility splay to the right and 1.5 x1.75m to the left of the parking area. Although this is slightly below NCC highways standards (2x2m each side) it is considered to be sufficient to allow safe use of the on-plot spaces.

The garage door on the front elevation provides access to an internal store which will provide secure bike storage.

The applicant has also provided a fenced refuse store to retain the refuse bins and boxes for the proposed dwelling.

A condition is recommended to ensure the parking area is laid out in accordance with the approved plans and permanently retained thereafter.

The proposed parking layout is acceptable for a dwelling on this size and as such the proposal is in accordance with Policy 8(b) of the JCS.

#### 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. Energy Efficiency and Sustainable Development

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. The applicant has submitted a sustainable construction statement (received 23/08/2019) which is considered to be acceptable and will form part of the approved plans/documents conditions.

The proposal is therefore 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 impact on the neighbouring properties. As such it is recommended 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: