

BOROUGH OF KETTERING

Committee	Full Planning Committee - 14/01/2020	Item No: 5.4
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2019/0748
Wards Affected	Rothwell	
Location	The Old Coach Yard, 11 Desborough Road (rear of), Rothwell	
Proposal	Full Application: Redevelopment of disused coach company yard to create 3 no. dwellings	
Applicant	Mr G Elliott	

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 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, together with samples including local ironstone and natural slate, 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. No development above building slab level shall commence on site until details of the recess of openings and details of the materials of the windows including cills and headers on each of the dwellings shall be submitted 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 are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. No development above building slab level shall commence on site until details of the eaves of each of the dwellings shall be submitted 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 eaves 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. The rooflights must be conservation type and fitted flush with the external surface of the roof plane.

REASON: Appropriate rooflights are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. Proposals for any boundary fencing, wall or gates shall be first approved by the Local Planning Authority; such walls, gates or fencing shall not inhibit public access. The dwellings shall not be first occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

8. No development shall commence on site until details of the construction and finish of the means of access and all hard and paved surfacing within the site have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include provisions for a hard bound surface for a minimum of the initial 5.0m measured from the highway boundary, the means to ensure that surface water does not discharge on to the highway and confirmation that the gradient of the vehicular access shall not exceed 1 in 15 for a minimum of the first 5.0m from the highway boundary. The access, which shall measure a minimum of 4.5m in width from the highway boundary and all hard and paved surfacing shall be completed in accordance with the approved details before the buildings are first occupied and retained as approved at all times thereafter.

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

9. 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 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 at the time or the first one following the first occupation of any of the buildings, 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 and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to the first occupation of the development hereby approved, refuse storage and collection facilities for the proposed dwellings shall have been provided on site and retained in accordance with details first submitted to and approved in writing by the Local Planning Authority and thereafter shall be made available for use. The collection facilities shall be positioned so as not to impede access or visibility.

REASON: In the interest of public health and safeguarding residential and visual amenity and highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. All dwellings shall be designed to 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.

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 additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made on any elevation or roof plane of each of the buildings.

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

13. 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, C, D, E or G of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 of the Order shall be erected, constructed or made on the application site.

REASON: In recognition of site character, size and surrounding properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Demolition or construction works shall not occur outside of the times Monday to Friday 08.00 to 17.00 hrs and at no time whatsoever on Saturdays, 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.

15. Prior to the commencement of development a Demolition and 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 demolition and construction works.

REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

16. 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 and 8 of the North Northamptonshire Joint Core Strategy.

17. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) fieldwork in accordance with the agreed written scheme of investigation;

(ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);

(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

REASON: To ensure that features of historic and archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

18. The existing buildings shall be included in a programme of building recording as noted in the submitted Heritage Statement. This record shall be deposited with the Northamptonshire Historic Environment Record and therefore retained in the public domain.

REASON: To ensure that features of historic and archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

19. Prior to commencement of development the proposed ground and finished floor levels of all buildings, relative to each other, and those of the existing 'Priory' at No.11 Desborough Road, shall have been submitted to and approved in writing by the Local Planning Authority. Details to be submitted will need to include sections across the site demonstrating that the overall heights of the proposed buildings will be subordinate (lower) than those of 'The Priory'.
REASON: To ensure that the overall impact does not dominate the listed building, in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2019/0748

This application is reported for Committee decision on the advice of the Head of Service

3.0 Information

Relevant Planning History

Pre application advice dated 05/09/16 re 3 proposed dwellings (ref PRE/2016/0114)
It was considered that the then proposed dwellings were out of character e.g. did not follow the 'grain of development' and being large footprints on a relatively small area and also lead to adverse impacts on residential amenity.

KET/2019/0281: Redevelopment of site to create 3 no. dwellings. Withdrawn

KET/2018/0647: Redevelopment of site to create 3 no. dwellings. Withdrawn

KET/2018/0005: Redevelopment of site to create 3 no. dwellings. Withdrawn

Site Visit

Officer's site inspection was carried out on 15/11/2019.

Site Description

The site lies close to the centre of Rothwell, within the defined town boundary and is located adjacent to the Rothwell Conservation Area. The site would be accessed from Desborough Road via an accessway

The southern boundary adjoins a footpath serving a park (Rothwell recreation ground). The western boundary adjoins a footpath serving a park and No.35 Kingsley Road. To the south east are Grade II listed buildings, 'The Maltings'. The eastern boundary is the main road, No's 13 and 15 Desborough Road and a Grade II listed building, No.11 Desborough Road, named as 'The Priory'. To the north of the site is No.33 Kingsley Road.

The ground level drops west-east onto Desborough Road from the site.

The applicant describes the site as "disused barns and garages". Alongside the north and west and south sides of the site are ranges of linear mainly ironstone (some brick elements) buildings with origins pre 20th century. These ranges are in differing states of repair or dilapidation e.g. some parts of the roof have metal sheeting or broken tiles. Within the site is an open area that currently (as at 02 January 2020) had a substantial number of vehicles parked upon it. These are thought to be in the control of the applicant or his family.

There is correspondence on the Council's files to indicate that a previous use of the application site for many years been had been for the storing and cleaning of coaches. This is believed to have ceased around 2006/07 and the site was made secure by previous owners.

The adjacent listed grade 2 'The Priory' is 17th century in origin, of ironstone and welsh slate roof and has distinctive dual gable ends at the east and west sides of the building.

Although (before the 2nd world war) uses of the application site in connection with farming occurred and in earlier centuries appear to have been linked to the listed property now known as 'The Priory', it is considered that the site is no longer curtilage to the listed Building, though any proposals upon the site would have an effect on its setting.

Proposed Development

The application seeks planning permission for redevelopment of vacant coach yard with the conversion into a dwelling and erection of two dwellings with access from Desborough Road.

"Ashley's House"

This is a part conversion of the existing north range building and part new build/addition. It retains in essence the linear form described above, using ironstone and slates and traditional materials

In explanation and in response to earlier feedback the agent has confirmed:

- Proposal to include 'iron blacksmith type chimney away from roof gable edge; (NB Plan no 3125.16.06b is being amended so that the rear elevation is consistent with the front elevation in this regard)
- The floor areas of (smallest) bedrooms 3 and 4 (respectively 14.3sq m and 14.4 sq m to comply with National space standards'.

"Bruce's House"

This is a wholly new build and a large footprint principally orientated north-south with projecting elements at two storey. It is also to be constructed using ironstone and state and other traditional material for detailing.

In explanation and in response to earlier feedback the agent has confirmed:

- The front entrance roof has been changed (simplified) including the stone fascia to a pitch roof on stone columns;
- Front entrance door now only single;
- The window in master bedroom has been reduced in width from 2.8m to 2.4m and with only two centre bars vertical bars;
- The garage loft bedroom is (reduced) with appropriate roof link to main house.

"Adams House"

This is also a wholly new build and a large footprint principally orientated north-south with projecting elements at two storey. It is also to be constructed using ironstone and state and other traditional material for detailing.

In explanation and in response to earlier feedback the agent has confirmed:

- Changes on layout on ground and first floor to reduce footprint and increase garden to rear;
- West/ rear windows and doors amended;

- The garage loft was re designed to reduce the building height compared to the master bedroom roof and is much lower than main house roof (to be subservient to the other roofs).

Any Constraints Affecting the Site

Affecting the setting of a Listed Building
Adjacent to Rothwell Conservation Area
Adjacent to a B Road

4.0 Consultation and Customer Impact

Parish/Town Council

No objections.

Historic England

No comment.

Biodiversity Officer

Following submission of the bat survey report, a licence will not be required.

Archaeology Officer

The site is identified in the county Historic Environment Record as the probable location of the Augustinian Priory of St John the Baptist, as a small nunnery of 3-4 nuns founded in 13th century and suppressed in 1536. There is potential for remains relating to the nunnery to be present at the site.

It is recommended that attached should be a condition on a programme of archaeological mitigation to ensure proper investigation and recording of the remains present. The programme of work should include a scheme for Level 2 recording of the existing buildings, which have been on site since at least 1886. The recording should be carried out prior to commencement of development as parts are to be retained and converted and the remainder is to be demolished.

Highways Authority

Cannot support the application and requires further information demonstrating adequate turning area, visibility splays and location of the bin collection point. There is a lack of provision for parking spaces and cycle spaces for each 4-bed dwelling.

Environmental Protection Officer

Recommend conditions on reasonable working hours for construction, a construction/demolition method statement and contaminated land and an informative on radon.

Neighbours

There is one expression of support received. However, there were concerns raised regarding drainage to the area and too many vehicles in the private road.

There were two objections from the same neighbouring property which concerned the erection of the wall and railing separating the pathway from the park from Desborough Road, which they say would create an unsafe environment.

5.0 Planning Policy

National Planning Policy Framework

Policy 2 – Achieving Sustainable Development

Policy 5 – Delivering a Sufficient Supply of Homes

Policy 6 – Building a strong, competitive economy

Policy 7 – Ensuring the vitality of town centres

Policy 12 – Achieving well-designed Places

Policy 16 - Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1 – Presumption in favour of Sustainable Development

Policy 2 - Historic Environment

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 22 – Delivering Economic Prosperity

Policy 23 – Distribution of New Jobs

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 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the

North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Design, character and impact upon the heritage assets; other impacts on local character
3. Sustainable construction and design
4. Impact upon neighbours amenity and amenity to the future occupiers
5. Access and parking
6. Archaeology
7. Contaminated Land
8. Drainage
9. Biodiversity
10. Other matters

1. Principle of development

The development site lies to the north west of Rothwell town centre and residential development is considered appropriate, in accordance with Policies 8, 11 and 29 of the JCS.

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 then open countryside. 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, with secondary focus being directed to the market towns and then focus on villages.

Rothwell is a Market Town, as described by Policy 11 (JCS) which will provide a growth in homes and jobs at a scale appropriate to the character and infrastructure of the town. Policy 29 sets out that the focus for development is Kettering as a Market Town followed by Market Town's such as Rothwell and the re-use of suitable previously developed land and buildings in the Market Town is encouraged. This is further emphasised by Policy 35 of the 1995 Local Plan which encourages development within town boundaries.

Policy 8 of the JCS supports new residential development subject to no detrimental impacts on the character, amenity and the highway network of the surrounding area. The implications of this are examined in later sections of this report.

Policy 6 sets out that local planning authorities will seek to maximise the delivery of development through the reuse of suitable previously developed land. The development site is considered previously developed land and is therefore supported by this policy.

Policy 22 of the Joint Core Strategy looks to safeguard existing and committed sites for employment use 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. The site was previously occupied by a coach company which have now left the site vacant a number of years ago and as a result the area had suffered from crime and vandalism. These proposals would see a building converted and some of the buildings on the site demolished and replaced entirely by residential development, resulting in the loss of an existing employment site.

Through the preparation of the Employment Allocations Background Paper, following the Employment Land Review, which was a primarily demand based assessment, a planning assessment was undertaken for the site, which also took into account the supply of employment land in the Borough. The conclusions of which were included in the Background Paper which was endorsed at Planning Policy Committee on 5th November. These are as follows:

'The site is small in size, which limits the uses for the site, especially B2 or B8 uses. As a result, the Employment Land Review concluded that B1a offices are likely to be the most suitable, given that the site is in a built up area, residential use would be a more suitable alternative use for the site and any demand from office occupiers in Rothwell is unlikely. The site was recently the subject of a planning application for 3 dwellings, which has since been withdrawn, bringing into question the landowner's ambitions for the site and its availability for employment.'

'The site assessment does not highlight any further constraints to those already addressed above, apart from distance to railway station. Further to this, the site is adjacent to the Conservation Area and other heritage assets and development would result in the demolition/conversion of the historic buildings on the site which is likely to detriment a heritage asset. There is also archaeological potential for the site, which has been assessed and found to be able to be mitigated against through conditions requiring further archaeological investigations.'

To conclude, the site will not be considered as an employment allocation in the SSP2 Publication Plan which is currently subject to consultation. This is because it is considered that residential development is a more suitable use for the site. At present, the SSP2 is yet to reach a stage where significant weight can be attributed to it.

The proposed development is located within the designated town boundary of Rothwell and residential development on the site would be considered appropriate in accordance with policies 6, 11 and 29 of the JCS as well as Policy 35 of the 1995 Local Plan. Residential development would be acceptable in principle, subject to complying with other Policies which are discussed in more detail below.

2. Design, character and impact upon the heritage assets

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

The site is situated adjacent to Rothwell conservation area and as such Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1991 seeks to ensure special regard is to be given to preserving the significance of the architectural and historic interest of heritage assets.

Chapter 16 of the National Planning Policy Framework (NPPF) sets out guidance relating to conserving and enhancing the historic environment. Paragraph 192 states that when considering applications, the local planning authority shall take into account the desirability of sustaining and enhancing the significance of heritage assets and the new development making a positive contribution to the local character and distinctiveness.

Policy 2 of the JCS requires that proposed development conserve and, where possible, enhance heritage significance.

Section 12 of the NPPF requires good design while Policy 8d) of the JCS requires development respond to the site's immediate and wider context, to be of a high standard of design and landscaping and to respect and enhance the character of its surroundings.

The site is significantly set back from the dwellings along Desborough Road. The site is highly visible from within the adjacent park. As indicated earlier, the site is currently vacant and consists of disused buildings associated with a former coach yard use. Over the years the condition of the historic fabric of the buildings within the application site has declined and the link as curtilage with 'The Priory', 11 Desborough Road (Grade II listed building) appears lost. Nevertheless, it is necessary to consider the affect of the proposals on the setting of the listed buildings especially 'The Priory'.

The adjacent listed building at 'The Priory', 11 Desborough Road sits on higher land adjacent to the application site and is situated behind wall, gates and dense landscaping. The proposed design with the porches and gable end ranges on the three proposed dwellings take a cue from the gable ends at 'The Priory'.

As the contextual location plan prepared by Officers to accompany this report shows the nearest heritage assets are a group of listed buildings that are strongly linear in form with modestly proportional gable ends.

As a principal building, the listed Priory though large, is articulated by the dual gables that controls the form and massing. In considering significance of this building it is desirable that buildings erected in the yard that would once have had a relationship to this building, do not overly dominate the setting of the Priory and its primacy.

All these historic buildings are within the conservation area which adjoins the site.

The key design issue is to consider the bulk and form of especially the two proposed dwellings identified as "Bruce" and "Adam". In earlier proposals (see planning history) despite officer advice the overall proposals presented a bulky and dominating form compared to the historic setting adjacent.

The latest application plans have made changes (from earlier schemes) that have helped reduced some of the bulk. However, the additional impact of the projecting first floors above the ground floor accommodation of the proposed attached garages on the dwellings "Bruce" and "Adam" present a bulk and massing pointing towards a tipping point or has reached such a tipping point where what is proposed could be said to adversely affect the character of the setting described.

The applicants were asked to further consider reducing the garage elements by omitting the first floor parts of the garages to the two proposed dwellings identified as "Bruce and Adam".

However, the applicants now want the proposal determined as presented in the latest application, retaining (an albeit reduced) first floor for the projecting garages. Therefore, in coming to an officer conclusion on this issue, a number of things are taken into account:

- The point at which this becomes a 'refuseable' scheme on the basis of adverse impacts on the setting and character of the heritage assets is a judgement based on professional assessment as explained.
- The applicants have sought over time to agree a set of proposals to invigorate this neglected area of land though have found it difficult to moderate their space and size requirements. The Council officers whilst being clear about design and character issues since the time of pre application, have engaged positively and proactively with the applicant or his agent in seeking a solution.
- All materials and detailing are expected to be high quality with the use of natural materials including stone and slate.
- The converted former barn into a dwelling "Ashley" is incorporated into the scheme involving moderate or sympathetic changes.
- The external materials proposed for the dwellings "Bruce" and "Adam" are local ironstone and natural slate which would be materials respectful within the setting of the adjacent Listed Building.

- To ensure that the proposed ground and finished floor levels of the proposed dwellings demonstrate that the proposed buildings do not 'raise above' the Priory, a section and proposed ground and finished floor levels will be subject of condition(s).
- Given the scale of what is proposed, further proposed changes or extensions are to need planning permission through the removal by condition of permitted development rights.
- The existing stone boundary wall surrounding the site from Rothwell recreation ground will be retained and extended. Details of the proposed erection of the wall and railing separating the pathway from Rothwell recreation ground from Desborough Road and walls separating the site from Rothwell recreation ground are conditioned to ensure they are appropriately designed to be in keeping with the character of the adjacent conservation area and setting within the adjacent listed building, 11 Desborough Road. The reuse of the site would provide improved surveillance to their footpath and thereby would improve the local environs.

Conclusion: The proposed three dwellings represent large footprints and bulk within the site. However, on balance, Officers recommend conditional support of the application for the reasons stated.

Other impacts on local character

Other surrounding buildings in the vicinity are either relatively modern eg off Droue Court, early mid 20th century (along Desborough Road), and provide a range of house types sizes and designs. With this diversity the proposed dwellings are not considered to adversely affect the character of these other properties.

Subject to all of the above, the proposed development is considered to accord with Policies 2 and 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

3. Sustainable construction and design

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

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

Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy requires new development to not have an unacceptable impact upon the amenities of neighbours or the wider areas as result of noise, smell, loss of light or overlooking among other factors.

The converted and additional new build property for the proposed dwelling named 'Ashley' remains up to the boundary with No.33 Kingsley Road. There would be a separation distance of 5.2m between the wall of the proposed and the blank gable end to No. 33. In any event the existing ironstone wall alongside the northern boundary of the site means that what is proposed is similar to what already exists. The rear windows on the dwelling "Ashley" would be high-level windows to prevent

loss of privacy. Given the wall already goes up to the boundary and there are no overlooking concerns then there are no detrimental impacts to the enjoyment of the occupiers at No. 33 Kingsley Road.

There would remain a separation distance between the dwelling at No.35 Kingsley Avenue and the dwelling named "Ashley" of 4m. There would be a separation distance between the dwelling at No.35 and the dwelling named "Bruce" of 10m. On No.35 Kingsley Road there is a frosted window within the side roof dormer facing the proposed dwellings so there would be no loss of privacy between these neighbouring properties. There is adequate boundary treatment between the new dwellings and No.35. There would be no detrimental impacts to the enjoyment of the occupiers at No. 35 Kingsley Road.

The rear of No. 11 Desborough Road ("The Priory") would have a separation distance from the converted dwelling named "Ashley" of 33m, 24m to the dwelling named 'Bruce' and 22.5m to the dwelling named "Adam". No.11 is on elevated ground and its height relative to that of the proposed 3 dwellings is conditioned. Nevertheless, the impact of unacceptable overlooking from the proposed to the existing dwelling at the "Priory" (No.11) is not considered adverse because of distances and noting the benefits from a wall, railings and dense landscaping boundary treatments to the side and rear. There would be no detrimental impacts to the residential amenity for the occupiers at No. 11 Desborough Road.

The rear of No's. 13 and 15 Desborough Road would have a separation distance of 40m from the converted/ new build property for the dwelling named "Ashley". The garage for the dwelling named "Ashley" sits 22-23m from the rear windows on the dwellings at No's. 13 and 15 Desborough Road. Given the separation distances then there are no detrimental impacts to the enjoyment of the occupiers at No's. 13 and 15 Desborough Road.

There would be a separation distance between the dwelling at No.26 Droue Court and the dwelling named "Adam" of 17.6m. Given the orientation of the dwelling named "Adam", the side/rear elevations of No.26 facing the new development, separation distance and adequate boundary treatment then there would be no detrimental impacts to the enjoyment of the occupiers at No. 26 Droue Court.

There would be a separation distance between the dwellings at No's.27 and 18 Crown Lane and No.14 Whiteman Lane and the dwelling named "Adam" of over 30m. Given the orientation of the dwelling named "Adam", separation distances and adequate boundary treatment then there would be no detrimental impacts to the enjoyment of these occupiers.

With respect to the future occupiers, the layout is designed so there are separation gaps between each dwelling apart from where the garages are attached for the dwellings of "Adam" and "Bruce". The first floor side windows in-line with and facing "Ashley's" dwelling on the dwelling named "Bruce" serves bathrooms to prevent loss of privacy. The only first floor side windows (facing the "Adam" dwelling) on the dwelling named "Bruce" serves hallways and a bathroom to prevent loss of privacy.

The only first floor side window (facing the “Bruce” dwelling) on the dwelling named “Adam” serves a hallway to prevent loss of privacy to both. There would be boundary treatment separating each dwelling and this is conditioned. There would not be a detrimental impact to the residential amenity of the future occupiers.

As the proposed development is in a residential area there would be a condition to ensure reasonable working hours on the redevelopment of the site and submission of a construction/demolition method statement in order to respect the amenity of the surrounding residential properties.

In respect of the future occupants, would provide modest adequate space in the rear garden for amenity area for hanging up washing for each property.

There are details on the refuse stores to be provided for the proposed dwelling named “Ashley” but in relation to the proposed dwellings whilst an area is not identified, this can be conditioned. As there is adequate space for this provision within the site for these elements, collection will require bins to be placed along Desborough Road on collection days.

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 and extensions at the existing dwelling would not result in an unacceptable impact upon the amenities of neighbouring properties and to the future occupants.

5. Access and parking

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

The site is located within walking distance to Rothwell town centre and the site is well accessible by walking, cycling and buses from the adjacent bus stop. Access would be from an existing access off Desborough Road which already serves parking for 2 properties off Desborough Road.

The plans show that proposed development would provide 3 parking spaces for “Adam” and 3 parking spaces for “Bruce” and 5 for “Ashley”. These include the internal garages. To ensure the openings to garages are wide enough for most vehicles a minimum 2.6m clear of piers at the point of access/ egress is stipulated on a condition in the recommendation.

Although the County Highways have objected, including on grounds of having adequate parking relevant to the bedroom numbers, the overall scheme is a consequence of the design decisions that led to the submitted scheme.

There is space within the site to incorporate cycle parking if required. Drawing No. 3135.16.03C demonstrates turning areas within the site.

Taking all the above into account, provision is considered adequate for a private drive arrangement. Therefore the proposed development is not objected to on the grounds of Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

6. Archaeology

The site is identified in the county Historic Environment Record as the probable location of the Augustinian Priory of St John the Baptist, as a small nunnery of 3-4 nuns founded in 13th century and suppressed in 1536. There is potential for remains relating to the nunnery to be present at the site.

The condition on a programme of archaeological recording as recommended by the Archaeology Officer is attached.

7. Contaminated Land

The Council's Environmental Protection Officer has recommended conditions be attached to ensure that the site is investigated with respect to potential contamination. An informative on radon is attached. This element is conditioned in accordance with Policy 8 of the JCS.

8. Drainage

There are no particular known drainage or flood risk constraints associated with the site.

9. Biodiversity

Following submission of the bat survey report, the Biodiversity Officer does not require a bat licence.

10. Other matters arising

Noting the comments received from third parties about car parking near to the entry access road, this matter will be followed up if there is deemed to be a breach of planning arising from parking of cars for sale.

A condition to control proposed boundary wall/ fencing along the access road is suggested, to encourage a more open approach along the adjoining public routes. This follows advice from Northants Police that a low wall with pillars/ railings with lighting from this site reduces the likelihood of the area for anti-social behaviour.

Conclusion

Subject to the attached conditions, the proposal is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Natalie Westgate, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: