

BOROUGH OF KETTERING

Committee	Full Planning Committee - 21/09/2011	Item No: 5.5
Report Originator	Alex Jelley Development Officer	Application No: KET/2011/0404
Wards Affected	Welland	
Location	17 Station Road, Rushton	
Proposal	Full Application: 1 no. dwelling	
Applicant	Mr & Mrs J Withpetersen	

1. PURPOSE OF REPORT

- a. To describe the above proposals
- b. To identify and report on the issues arising from it
- c. 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.

REASON: In the interests of securing satisfactory development in accordance with policy 13 of the North Northamptonshire Core Spatial 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: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Prior to installation of the external windows and doors, which shall be of timber construction, full details of the proposed windows and doors, including sections at a scale not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be provided in accordance with the approved details and thereafter retained as approved in perpetuity.

REASON: In the interests of preserving the character and appearance of the Conservation Area in accordance with policy 13 of the North Northamptonshire Core

Spatial Strategy.

5. The accesses and parking areas shall be provided prior to the first occupation of the dwelling hereby permitted and shall have a minimum width of 3.2m and shall be paved with a hard, bound surface for the first 5m from the highway boundary in accordance with sample surfacing materials which shall first have been submitted to and approved in writing by the Local Planning Authority. The maximum gradient over the 5m distance shall not exceed 1 in 15 and a positive means of drainage shall be installed to ensure that surface water from the vehicular access or private land does not discharge onto the highway. The access and parking areas shall thereafter be retained as approved in perpetuity.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Prior to the occupation of the dwelling hereby permitted pedestrian visibility splays of at least 2.4m x 2.4m shall be provided on each side of the vehicular access. These measurements shall be taken from along the highway boundary and any features within or affecting the resultant triangular areas shall not exceed 0.6m above the footway level.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Prior to first occupation of the dwelling hereby permitted vehicular visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access by a distance of 43m measured along the centre of the vehicular access along the carriageway edge shall be provided on site and shall be retained thereafter. Any features within or affecting the resultant triangular areas shall not exceed 0.9m above the carriageway level.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. 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 (referred to in PPS23 as a validation 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: 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.

9. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has 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: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policies 13 of the North Northamptonshire Core Spatial Strategy.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C or D of Part 1 of Schedule 2 of the Order shall be erected, constructed or made on the application site.

REASON: In the interests of preserving the character and appearance of the Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. The development hereby permitted shall not be carried out other than in accordance with the submitted Sustainability and Energy Efficiency Statement.

REASON: In the interests of securing sustainable development in accordance with policy 13 of the North Northamptonshire Spatial Strategy.

Notes (if any) :-

- Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site therefore the required investigations must take naturally occurring contaminants into consideration. Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide. This document is downloadable at http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf

If you wish to discuss the requirements of the investigations further please contact Mrs Alex Gratrix, Team Leader (Environmental Protection) on (01536) 534348; or email at contaminatedland@kettering.gov.uk

- The issue of planning permission does not give or infer permission to implement any works within the highway. No works of any nature may commence within the highway without the express written permission of the highway authority. Such permission would be subject to the completion of an appropriate license under Section 184 of the Highways Act 1980.
- Existing utility plant or features such as inspection chamber covers, cabinets, poles etc may be affected by the creation of, or alteration to, a vehicular access or any works within the highway. The responsibility for arranging and agreeing alterations, protection and relocation of such plant and meeting all associated costs rests with the developer.
Most new dwellings will have connections to utilities and sewers that run within a highway. Such connections and associated highway work must be agreed with the Highways Authority. A license under Section 50 of the "New Roads and Street Works Act 1991" is required in such circumstances.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1, 3 and 5, Policies 1, 2, 3, 11 and 27 of The East Midlands Regional Plan, Policies 1, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policy RA3 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document Sustainable Design. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

None

Site Description

Officer's site inspection was carried out on 11th July 2011.

The application site lies on the northern side of Station Road, Rushton within the village boundary and within a Conservation Area. The site is surrounded by residential development, some of which is modern, although a private lane (Midlands Cottages) bounds the site directly to the east. There is a slope on the site from east down to the west and also from the centre of the site there is a slope down to both the north and south boundaries of the site. In addition Midland Cottages rises in level to the north and Beswick Close (to the east of the site) rises up towards the north.

The site is currently occupied by a 2 storey semi-detached dwelling with brick elevations and painted quoin detailing, slate roof and white windows. To the east of the dwelling there is a detached garage with flat roof which is accessed via Station Road and has space for the parking of 2 vehicles. There is a stone wall along the frontage with some mature planting which partially screens the existing dwelling broken up by a pedestrian access to the property and the vehicular access.

Proposed Development

This application seeks planning permission for a 2 storey detached dwelling. The dwelling would have 3 beds and off road parking and turning, in addition a new access and off-road parking area is proposed for the existing dwelling on the site.

The proposed dwelling would measure approx. 6.85m (h) x 6.7m (w) x 10.4m (d).

The proposed development has been amended since originally submitted; the 2 storey flat roof element at the rear of the building has been removed and replaced with a single storey pitched roof extension, the existing boundary wall along the front boundary of the site is shown as being retained where possible and a larger area for parking and turning is shown at the front of the existing and proposed dwellings.

Any Constraints Affecting The Site

C Road

4.0 Consultation and Customer Impact

Parish Council

Support – There appears to be minimal impact on neighbouring properties.

Provided the new property blends in with existing properties, it should enhance the appearance of that corner of the village. There could otherwise be an impression of overdevelopment of the area, as there has been over recent years a number of additional properties in the immediate vicinity and some trees have been removed. Some concern that parking in a village already suffering from parking problems, will be made worse by reducing garage/parking space and adding a dwelling.

Highway Authority

No objection, recommend conditions regarding visibility splays, surfacing and gradient of access and parking area.

Environmental Health

No objection, recommend condition requiring a contaminated land survey.

Neighbours

1 Third party letter of objection

- concern about loss of light, which is already restricted by leylandii
- concern about floor levels being higher than neighbouring property to north
- would result in loss of on-street parking

5.0 Planning Policy

National Policies

PPS1 Delivering sustainable development

PPS3 Housing

PPS5 Planning for the historic environment

East Midlands Regional Plan (EMRP)

Policy 1. Regional core objectives

Policy 2. Promoting better design

Policy 3. Distribution of development

Policy 11. Development in the southern sub-area

Policy 27. Regional priorities for the historic environment

North Northamptonshire Core Spatial Strategy (CSS)

Policy 1. Strengthening the network of existing settlements

Policy 9. Distribution and location of new development

Policy 10. Distribution of housing

Policy 13. General sustainable development principles

Policy 14. Energy efficiency and sustainable construction

Local Plan for Kettering Borough (LP)

Policy RA3. Rural Area: Restricted Infill Villages

SPGs

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

In accordance with S.38 (6) of the Planning and Compulsory Purchase Act 2004 planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The key issues for consideration in this application are:-

1. Principle of development
2. Impact upon character and appearance of the Conservation Area
3. Impact upon neighbours
4. Impact upon highway safety
5. Sustainability
6. Impact upon trees

1. Principle of development

PPS1 and PPS3 state that new development should be directed to existing built up areas. This is repeated in policies 1, 3 and 11 of the EMRP and policies 1, 9, 10 and 13 of the CSS. The objective is to ensure that new development is located in sustainable locations where access to jobs, facilities, amenities etc can be provided, and where ideally they can be access via sustainable modes of transport.

Furthermore, Rushton is designated as a restricted infill village under policy RA3 of the LP. Policy RA3 states that new development will be granted planning permission provided it is within the defined village limits and it is appropriate in terms of size, form, character and setting of the village, its environment and compatible in relation to conservation, and design among other issues.

The application site lies within the village of Rushton where local amenities include a school and a pub, and therefore it is considered that the principle of the proposal accords with national, regional and local planning policies. The other considerations contained within policy RA3 of the LP are discussed below.

2. Impact upon character and appearance of the Conservation Area

S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities (LPA's) to give special attention to preserving or enhancing the character and appearance of the Conservation Area. In addition, PPS5 states that there should be a presumption in favour of the conservation of heritage assets, and that the significance of a heritage asset can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. Furthermore, policy 27 of the EMRP and policy 13(o) of the CSS require development to preserve and conserve built environmental assets.

In addition, PPS1, policy 2 of the EMRP and policy 13(h) of the CSS all require new development to be high quality in design that is appropriate in its context and respects and enhances the surrounding area. Furthermore, development that fails to take the opportunities available to improve an area should not be accepted.

The Conservation Area is characterised by a mix of dwelling types and sizes from a range of periods, and within the vicinity of the application site although the dwellings are predominantly 2 storeys they are a mix of detached, semi-detached and terraced dwellings including new build properties. Although there is a mix of house types and styles, the dwellings on the northern side of Station Road to the west of the application site maintain a strong linear building line set back from the highway. Whilst some of the properties have space to the sides, there are also examples of dwellings filling the width of the plot. The site is in a prominent corner position at the junction of Station Road and Midland Cottages. The site of the proposed dwelling is currently occupied by a flat roofed double garage which is not of any architectural merit and therefore does not have a positive impact upon the character or appearance of the Conservation Area. It is however considered that the existing stone wall along the frontage is of some merit, and it is of benefit to the proposals that roughly half it is to be retained.

The proposed dwelling has taken design cues from the existing dwelling on the site such as the gable end projection, square bay window, arched soldier courses above the windows and a chimney on the eastern side of the dwelling. In addition, the dwelling would be constructed with materials to match the existing dwelling on the site and would feature timber windows. The proposal would also maintain the existing building line and where possible maintain the existing stone boundary wall along the frontage of the site. The proposed dwelling would be slightly higher than the existing dwelling on the site as a result of the topography, however it is considered that an increase in height of 300mm would not have a significant overbearing impact within the street scene.

Due to the siting, design and scale of the proposed dwelling, and replacement of unattractive double garage, it is considered that the proposal would respect the existing streetscene and would preserve and enhance the character and appearance of the Conservation Area in accordance with national, regional and local planning policies.

3. Impact upon neighbours

Policy 13 of the CSS states that development should not result in an unacceptable impact on the amenities of neighbouring properties by reason of overlooking or loss of light.

A distance of approx. 15m (wall to wall) would be provided between the proposed dwelling and the neighbouring dwelling to the north east on Beswick Close (no. 1). The proposed dwelling would not be directly adjacent to this property because Beswick Close is set back from Station Road and, with the

exception of a door, this property has a blank flank wall facing the proposed development. It is therefore considered that due to the siting of the proposed dwelling it would not have an adverse impact upon the occupiers of this neighbouring dwelling as a result of overlooking or loss of light. It is also considered that the dwelling to the south of the site on Station Road would also not be impacted upon significantly by the proposal due to the distance between these properties.

The existing dwelling on the application site (17 Station Road) is owned by the applicant however regard must be given to future occupiers of the existing and proposed dwelling. The existing property at first floor level has a bedroom window, however the ground floor windows on the east elevation are secondary windows, served by other windows on the rear elevation. The proposed dwelling features high level windows to non-habitable rooms on its west elevation and therefore would not result in overlooking of the neighbouring windows. In addition, the 1st floor bedroom window would be approx. 4m from the proposed dwelling, increasing to 6m where the proposed dwelling is set further back at first floor level. It is considered that whilst the proposed dwelling would have a minor impact (upon early morning sunlight to the existing bedroom window) the distance between the proposed and existing dwelling is such that the proposal would not have an overbearing or oppressive impact upon the occupiers of the existing dwelling on the site. It is therefore considered that the impact of the proposal would not result in an unacceptable loss of light.

The neighbouring dwelling to the north (28 Midland Cottages) is a detached bungalow. The property is significantly lower than the lane from which it is accessed, however the southern end of the property is only a little lower than the application site to which this application relates (approx. 400mm). There would be a wall to wall distance of approx. 8m at its shortest point and 13m at the furthest point due to the angle of the dwelling at the rear of the application site. The length of the rear garden for the proposed dwelling would be 7.7m, there is a strong boundary treatment between the 2 sites consisting of fencing and a leylandii hedge and no windows are proposed at first floor level on the rear elevation of the proposed dwelling. The proposal therefore would not result in an unacceptable level of overlooking.

The applicant has submitted additional information about the difference in levels between the application site and the neighbouring site to the north; the plan shows that due to the topography of the area the finished floor level of the proposed dwelling would be approx. 400mm higher than the floor level of the neighbouring dwelling to the north. It is considered that given the distance between the properties and the relatively small distance between the levels of the sites, the proposal would not have an overbearing impact upon the neighbouring dwelling. There is a window on the side elevation of 28 Midland Cottages, however this is a secondary window to a kitchen (with a window serving the same room also being located on the south west elevation). Although the proposed dwelling would be 2 storeys and would be to the south of this part of the neighbouring dwelling a 3rd of the rear section of the proposed dwelling would be single storey only and the overall height of the

dwelling would be less than 7m, and there is a reasonable distance between the proposed dwelling and the existing dwelling on the neighbouring plot. It is therefore considered that the proposal would not result in an unacceptable loss of light to the neighbouring dwelling to the north.

For the reasons set out above it is considered that the proposed development would not have an unacceptable impact upon the amenities of neighbours and the proposal therefore accords with policy 13(l) of the CSS.

4. Impact upon highway safety

Policy 13(n) of the CSS states that new development should not have an adverse impact upon the highway network or prejudice highway safety. The Highways Authority (HA) has been consulted and there is no objection to the principle of the proposal subject to conditions requiring pedestrian and visibility splays and the surfacing material to be hardbound for at least the first 5m.

It is therefore considered that the proposed development would not have an adverse impact upon the highway network and would not prejudice highway safety and as such the proposal accords with policy 13(n) of the CSS.

5. Sustainability

Policy 14 of the CSS and the Sustainable Design SPD requires new development to meet the highest standards of resource and energy efficiency and reduction in carbon emissions. Development proposals should; incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and provide for water efficiency and water recycling. The application has been accompanied by a Sustainability and Energy Efficiency Statement and a completed Sustainable Design SPD checklist. These documents demonstrate that the sustainable construction measures will be incorporated and energy efficient white goods, low energy lighting, dual flush WC's, water efficient taps, and water butts will all be installed in order to minimise the energy and natural resources used by the development and provision will be made for the recycling of waste. The SPD checklist acknowledges that the nearest bus stop is approx. 1 mile from the site, however provision will be made for the storage of cycles within the site and therefore the use of sustainable modes of transport will still be encouraged.

It is considered that sufficient information has been submitted to demonstrate that the proposal would accord with policy 14 of the CSS and the Sustainable Design SPD.

6. Impact upon trees

In order to accommodate a new access with parking for the existing dwelling at the site the proposal includes the removal of a cherry and plum trees from the front garden of the application site. The existing cherry tree is located at the front of the site and is therefore highly visible within the street scene, however due to the short period of time it flowers its amenity value is limited, and the plum tree is set further back and is a small specimen therefore is also not of high amenity value. It is considered that the loss of these trees would therefore not have a significant adverse impact upon the amenity of the locality.

Conclusion

The proposed dwelling by virtue of its siting, size and appearance would respect and enhance its surroundings and therefore would preserve the character and appearance of the street scene and the wider Conservation Area. The proposal would also not have an unacceptable impact upon neighbours as a result of overlooking or loss of light due to the siting, scale and design, and subject to conditions would not prejudice highway safety and would incorporate necessary sustainable construction and energy efficiency measures. The proposal therefore accords with the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, PPS1, PPS3, PPS5, Policies 1, 2, 3, 11 and 27 of the East Midlands Regional Plan, Policies 1, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, Policy RA3 of the Local Plan for Kettering Borough and the Sustainable Design Supplementary Planning Document and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Fjola Stevens, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

17 Station Road, Rushton
Application No.: KET/2011/0404



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