

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 14/08/2012</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Alan Davies Development Officer</b>	<b>Application No: KET/2012/0192</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>2 Whiteman Lane, Rothwell</b>	
<b>Proposal</b>	<b>Full Application: 1 no. dwelling with new vehicular access off Droue Court</b>	
<b>Applicant</b>	<b>Mr M Kelly</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 amended plan number 001c submitted on 18.06.2012.

REASON: To ensure a high standard of design in accordance with Section 7 of the National Planning Policy Framework.

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. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall 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 in accordance with Section 11 of the National Planning Policy Framework.

5. No development shall take place on site until the developer 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 in writing by the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with Section 12 of the National Planning Policy Framework.

6. 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 protect the privacy of the occupiers of adjoining properties in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

8. The window at first floor level on the right side of the rear (east) elevation shall be glazed with obscured glass in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and any portion of the window that is within 1.7m of the floor of the room where the window is installed shall be non openable. The window shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to the commencement of the development hereby approved a scheme for the storage of waste shall be submitted to and approved by the Local Planning Authority. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that necessary bin storage does not detract from the design and layout of the property in accordance with Section 6 of the National Planning Policy Framework.

10. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

#### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Sections 6 and 7 of the National Planning Policy Framework, Policies 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 35 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**

PRE/2011/0124 – Pre-application advice offered in respect of a single dwelling on this site.

#### **Site Description**

Officer's site inspection was carried out on 02/05/2012.

The application site is part of the existing residential curtilage of 2 Whiteman Lane, Rothwell. The site is on the corner of a small intersection of Whiteman Lane, Droue Court and Wales Street, small residential streets to the west of central Rothwell that are unclassified roads. The application site is to the immediate south of 2 Whiteman Lane and is currently used as garden land for that property. The existing property is an early-mid 20<sup>th</sup> century detached dwelling constructed of red brick and featuring a two storey bay window on the right side of the principle elevation. To the rear of the dwelling is a garden that is approximately 12m by 15m, although it is an oblong shape and so is wider in the area closest to the existing dwelling.

#### **Proposed Development**

It is proposed to construct a two storey detached dwelling to the immediate south of 2 Whiteman Lane. The architecture will follow that of the existing property and will be of a similar scale and proportion. It will be a two storey red brick property with a porch and single storey pitched roof rear extension. The existing curtilage of 2 Whiteman Lane will be split between the existing and proposed properties, resulting in separate rear gardens and one parking space for each property, which will allow for up to two cars to be parked clear of the highway.

#### **Any Constraints Affecting the Site**

None

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

#### **Town Council**

Object to the proposal for the following reasons:

- Two houses on this plot of land would be overdevelopment.
- There is inadequate parking provided for the existing and proposed house as there is more than sufficient space to provide parking for four vehicles clear of the highway, two for each property.
- The new house would be so close to the junction as to obstruct visibility. This is a very busy junction, particularly at school times.

#### **Highway Authority**

The applicant has amended the scheme to comply with the Highway Authority's concerns. Highway Authority does not object to the proposal

following the amendments to the scheme.

### **Northamptonshire County Council Archaeology**

No objection, but a condition to secure an archaeological programme of works as per NPPF Paragraph 141 should be attached to any permission granted.

### **Environmental Health**

No objection provided that the standard four-stage contaminated land condition is applied to any permission granted.

### **Neighbours**

One objection based on the proposed parking layout was received from a neighbour. The parking layout has since been amended to satisfy these concerns.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy**

- Policy 10. Distribution of Housing
- Policy 13. General Sustainable Development Principles
- Policy 14: Energy Efficiency and Sustainable Construction

#### **Local Plan**

- 35. Housing: Within Towns

#### **SPG's**

North Northamptonshire Sustainable Design SPD

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Parking and Highway Matters
3. Neighbouring Amenity
4. Design, Character and Appearance
5. Environmental Issues
6. Other Matters.

### **1. Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan if regard is had to the Development Plan unless other material considerations indicate otherwise. In respect of this proposal those policies which form the Development Plan include Policies 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, Policy 35 of the 1995 Local Plan for Kettering Borough and the North Northamptonshire Sustainable Design SPD, which this proposal is considered to be in accordance with as the subsequent sections of this report demonstrate.

At a national planning policy level Paragraph 17 of the National Planning Policy Framework, the 'Core Planning Principles', encourages the use of previously developed land within existing settlements where future occupants can benefit from established amenities and public transport. At the local planning policy level, the Development Plan, the North Northamptonshire Core Spatial Strategy defines Rothwell as a 'Smaller Town', a secondary focus for development, but one where development will be encouraged within the settlement boundary provided that the proposal is in accordance with all other relevant planning policies. As such this location is considered to be appropriate for the proposed development and this principle is further strengthened by Policy 35 of the 1995 Local Plan for Kettering Borough.

## 2. Parking and Highway Matters

Whiteman Lane, Wales Street and Droue Court are all unclassified roads. This proposal would be located on the corner of the junction between Droue Court and Wales Street, with the turning for Whiteman Lane close by. The primary road is Wales Street, which connects Rothwell High Street with Greening Road, the access Road for Montsaye School, Rothwell's only secondary school. As a result Wales Street is often used as a short-cut for vehicular traffic to access Montsaye School.

An objection to the scheme has been received from the Town Council on the basis that this proposal would result in the loss of visibility splays on a highly trafficked road, but the application does not propose to alter the highway network, the parking will be accessed from Droue Court and away from the junction and any blind spots and the existing 2m high boundary fence already interrupts views from Droue Court to Whiteman Lane. That said, both the current and proposed highway situations would still allow for the necessary visibility splays to be provided for access to the property and also for any driver entering or leaving Droue Court to have full visibility of any oncoming traffic from Whiteman Lane or Wales Street. Therefore the objection based on a detrimental impact upon highway safety is considered to be unjustifiable.

In addition Northamptonshire County Council Highways Department does not object to this proposal as it does not believe it will prejudice the safety of the local highway network. Therefore it is considered that this proposal is in accordance with Paragraph 32 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

A second objection to the scheme was received from a neighbour. The

objection related to the proposed parking layout and the possibility that the occupants would not use it. The parking has been redesigned to be closer to the highway and provide parking for two cars clear of the highway. This is considered to be a sufficient level of parking given that the proposed property is so close to the town centre and existing public transport links. The parking will serve both the existing property and the proposed and therefore there will effectively be one space per dwelling. In light of a lack of parking standards within national or local planning policies the provision of one space per dwelling is considered to be sufficient and does not represent a valid reason for refusal of the proposal.

### 3. Neighbouring Amenity

The proposed dwelling has been designed to consider the impact upon the amenity of the existing neighbouring residents. There will be no overlooking or loss of light for any of the residents of any of the neighbouring properties except for 2 Whiteman Lane, which will be affected by this proposal. In total there are five windows on the south elevation of 2 Whiteman Lane that will face onto the north (side) elevation of the proposed dwelling. This side elevation will be blank, so will not increase overlooking or result in any loss of privacy for the occupants of 2 Whiteman Lane. It will however affect the amount of natural daylight received through all five windows on the side elevation of 2 Whiteman Lane. There are three windows at ground floor level and two at first floor level.

The two on the left side provide light to the open-plan kitchen and dining room. One is a small, insignificant window measuring approximately 50cm by 50cm. The second is larger and the amount of light received to this window will be affected. However, the open-plan nature of the kitchen and dining room, which has a large set of patio doors on the east (rear) elevation, will ensure that this part of the property continues to receive sufficient natural light. The gap of 1.8 metres between the existing and proposed property will also allow for daylight to enter the kitchen and dining room, so whilst there will be a loss of light it is not considered to be at a level which would justify refusal of this proposal. The third ground floor window affected is also small and is one of several windows on the flat-roofed rear extension to 2 Whiteman Lane. This proposal will not have a noticeable impact upon the amount of light received within this extension.

At first floor level the two windows affected are to the hall and bathroom. Neither is considered to be a habitable room and again it is considered that there will be sufficient natural light to both rooms so as to not have such a detrimental impact upon the occupants of 2 Whiteman Lane as to warrant refusal of this proposal. At both the front and rear of the property there are large windows that provide natural light to the internal spaces. These large windows will be unaffected by this proposal and therefore will compensate for the small amount of light that will be lost from the aforementioned side windows. The proposal therefore is not considered to have a detrimental impact upon the occupants of 2 Whiteman Lane and thus accords with Policy 13(l) of the North Northamptonshire Core Spatial Strategy.

In terms of privacy a condition will be attached to any permission granted to



ensure that the first floor bathroom window is obscure glazed so as to not allow any overlooking of the rear garden of 2 Whiteman Lane. A sample or details of the glazing will be submitted to the Local Planning Authority to ensure the glazing is fit for this purpose.

#### 4. Design, Character and Appearance

The proposed development provides a detached two storey dwelling with a design and character that seeks to replicate many of the architectural cues of the existing house to the north. The proposed dwelling will be located to the front of the site, but slightly set back from 2 Whiteman Lane and with a gap between the two properties of 1.8 metres. This will ensure the site can be configured in a manner that allows for the provision of two parking spaces clear of the highway and two adequately sized rear gardens. It is considered that the layout of the proposed development reflects the surrounding character of Whiteman Lane, although it is accepted that there is a mixed residential character in this area.

The design of the proposed detached dwelling reflects the character and appearance of the neighbouring residential property in terms of its scale, roof pitch and window design and proposed materials. The design does not slavishly copy the neighbouring dwelling, but it will sit comfortably next to the existing dwelling, taking many of its characteristics from 2 Whiteman Lane. The design of the proposed south elevation has been amended to improve the appearance and the use of different sized windows and brick at ground floor and render above will give this elevation an attractive appearance within the street scene. It is considered that the proposal is in keeping with the closest residential properties and takes its architectural cues from them. It will therefore reflect the character of the surrounding area and architectural style of neighbouring properties in Whiteman Lane. It does not sit forward of the existing building line and neither does it sit so far back as to alter the building line of Whiteman Lane and Wales Street. It is therefore considered that the proposal satisfies the design objectives within Sections 6 and 7 of the National Planning Policy Framework.

An objection to the design has been received from the Town Council who believe that the proposal would result in overdevelopment. It is however considered that the proposal would allow for sufficient private garden space to the rear of the existing and proposed dwellings, a parking space for each dwelling and sufficient land around each dwelling. The proposed dwelling will be set back slightly from the strong building line on Wales Street, but due to the entrance to Droue Court a strong building line will still be maintained. The proposed dwelling will also follow the existing building line along Droue Court and therefore it is considered that the proposed and existing dwellings will appear out of scale with the plot or surrounding developments.

#### 5. Environmental Issues

Due to the underlying geology present across the county which commonly results in high levels of naturally occurring arsenic, chromium and vanadium a

condition should be attached to any permission granted which requires a contamination investigation to be carried out followed by any remediation works if required. Provided this condition is attached to any permission the proposal will satisfy Policy 13(l and p) of the North Northamptonshire Core Spatial Strategy.

#### 6. Other Matters

The Sustainable Design SPD requires applicants to fully consider how to achieve the most sustainable development possible as part of their planning application. The applicant has therefore completed the associated checklist in order to comply with Policy 14 of the North Northamptonshire Core Spatial Strategy. The checklist demonstrates that the scheme will be sustainable, primarily as a result of its location, but it is considered that further measures could be implemented, such as grey water recycling. Therefore a condition is proposed in order that the applicant submits further details as how to make the scheme more sustainable. Provided this condition can be satisfied the proposal will accord with Policy 14 of the North Northamptonshire Core Spatial Strategy.

#### Conclusion

The proposed development complies with both national and local planning policies and there are no material planning matters that indicate against the scheme. Therefore planning permission is recommended.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alan Davies, Assistant Development Officer on 01536  
534316

#### **Previous Reports/Minutes**

Ref:

Date:

## SITE LOCATION PLAN

2 Whiteman Lane, Rothwell  
Application No.: KET/2012/0192



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