

BOROUGH OF KETTERING

Committee	Full Planning Committee - 30/07/2013	Item No: 5.7
Report Originator	Fjola Stevens Development Officer	Application No: KET/2013/0384
Wards Affected	Desborough St. Giles	
Location	135 Rothwell Road (land at), Desborough	
Proposal	Outline Application: 4 no. houses with new access	
Applicant	Mr & Mrs B Hughes	

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. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. 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 part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part C.

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.

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.

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 preserve the character of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. 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.

8. No development shall take place on site until details of the method of construction of the means of access have been submitted to and approved in writing by the Local Planning Authority. The access and driveway shall be surfaced with a hardbound surface for the first 10m from the edge of the carriageway and visibility splays shall be provided in accordance with the access shown on drawing no. 965 - DE - 01 Rev. A. The approved details shall be fully implemented before first occupation of any dwelling.

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. There shall be provided for each dwelling either garaging and /or hardstanding for the parking of vehicles clear of the highway, and such provision shall be shown on the layout plan required by condition 1, and shall be provided prior to the occupation of the dwellings. The completed parking provision for each dwelling shall be retained, as approved and kept permanently for parking purposes thereafter.

REASON: To ensure adequate vehicular parking provision within the site in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. 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. No dwelling shall 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 the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place within the area indicated until the applicant, or their agents or successors in title, 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 NPPF paragraph 141.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of native landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any 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 protect the character of the area and improve biodiversity in accordance with policies 5 and 13 of the North Northamptonshire Core Spatial Strategy.

13. The development shall not be carried out other than in accordance with the recommendations contained within the Arboricultural Survey and Report dated May 2013 submitted with the application and all trees to be retained shall be protected during construction by fencing in accordance with the report. REASON; In the interests of the biodiversity of the site and visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. The development shall not be carried out other than in accordance with the recommendations contained within the Ecological Survey dated June 2013 submitted with the application and prior to the commencement of development a scheme detailing the proposed bird and bat boxes, including the timescale for implementation, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details and retained as approved in perpetuity. REASON: In the interests of providing a net gain in biodiversity in accordance with policy 5 of the North Northamptonshire Core Spatial Strategy.

15. This consent grants outline permission for up to 4 houses only. REASON: In the interests of ensuring high quality development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2013/0384

3.0 Information

Relevant Planning History

KET/2003/01029 Outline for 3 dwellings REFUSED 7/5/04

KET/1998/0553 Outline for 2 dwellings and garages

Site Description

Officer's site inspection was carried out on 2nd July 2013.

The application site lies on the eastern side of Rothwell Road on the southern edge of Desborough. The application site lies within the town boundary and forms part of the existing garden to a 3 storey detached dwelling. The site slopes from north to the south and also from west to east and it is bounded by a mix of mature planting and wire mesh fencing. At present there is no boundary between the application site and existing dwelling which will retain part of the garden to the north and west of the site. To the south and east of the site there is a field, however this also falls within the Desborough town boundary.

Proposed Development

This application seeks outline planning permission for 4 no. dwellings with layout, appearance, scale and landscaping reserved. The access details are included with this application.

Any Constraints Affecting The Site

None

4.0 Consultation and Customer Impact

Desborough Town Council

Objection – Desborough Town Council objects to this planning application on the grounds of the safety of an extra access on the very busy Rothwell Road. (This road has been downgraded to a 'B' road but vehicles still travel at high speeds on the hill). The proposed access is too close to the 30mph limit signs which could be a real danger to motorists.

In addition, the pathway at this point is of insufficient width and needs to become a combined cycle/footpath to the same design as that which commences at Ise Bridge and goes through to Rothwell. This should replace the existing s106 as 30mph signs are now much further down the road.

Highway Authority

No objection – The highways authority has advised that because the 30mph signs have been moved that this is no longer required to make the development acceptable. Conditions requiring visibility splays and a hard bound surface for the first 10m of the access are required.

Environmental health

No objection – a contaminated land condition has been requested.

NCC Archaeology

No objection – condition requested requiring a programme of archaeological work.

Neighbours

1 Comment

- General agreement with tree survey, keen to see undergrowth to be retained/replaced where possible to ensure screening is maintained
- would like to ensure that land levels remain as existing
- speed limit has already been moved
- request additional street lighting on Rothwell Road
- some concern about the speed of traffic on Rothwell Road and recommends extending street lighting, making the 30mph signs more visible, using larger 30mph signs, provide traffic calming at the town boundary to slow traffic.

5.0 Planning Policy**National Planning Policy Framework (NPPF)**

Para. 17 – Core planning principles

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

Development Plan Policies**North Northamptonshire Core Spatial Strategy (CSS)**

P. 1 Strengthening the network of settlements

P. 9 Distribution and location of development

P. 10 Distribution of housing

P. 13 General sustainable development principles

P. 14 Energy efficiency and sustainable construction

P. 15 Sustainable housing provision

Local Plan (LP)

P. 35 Housing: Within towns

SPGs

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. Design and impact upon character of the area
3. Residential amenity
4. Highway safety
5. Biodiversity
6. Archaeology
7. Sustainability

1. Principle of development

One of the cornerstones of the NPPF is the presumption in favour of sustainable development. Where development is located in a sustainable area it should be approved without delay, unless there are other material considerations that outweigh this. Furthermore the CSS requires new development to be directed to the urban core and existing settlements and Desborough is identified as a smaller town which will accommodate some of the new dwellings required in Kettering Borough. LP policy 35 also states that new dwellings should be provided within the existing towns.

The application site lies within Desborough town boundary where the CSS supports growth and therefore the proposed dwellings are considered to constitute sustainable development. Therefore unless the proposal would conflict with the development in respect of other issues the application should be approved without delay in accordance with the NPPF. All of these other material considerations are addressed below, however in summary the proposal does not fall foul of the development plan in any regard and therefore the proposal development is considered to be in accordance with the NPPF and the development plan and therefore should be approved.

It is noted that previous applications for residential developments on the site were refused, however at the time the proposal did not accord with the development plan. Planning policy has changed considerably since the last application was considered with many of the Local Plan and Structure Plan policies and all of the PPG's and PPS's being revoked, the East Midlands Plan was created and abolished, the CSS has been adopted and the NPPF has come into force. It is therefore considered that the previous planning history for the site is not a matter that should affect the outcome of the current application under consideration.

2. Design and impact upon character of the area

The NPPF in Section 6 requires local planning authorities to deliver a wide choice of quality homes and Section 7 states that good design is a key aspect of sustainable development and it should contribute positively to making places better for people. All areas of a development

should be of a high quality including the buildings, public and private spaces. Section 7 also sets out the objectives for good quality design as being; good functionality for the lifetime of the development; creation of a strong sense of place; optimisation of the use of the site; development that responds to local character; creation of a safe and accessible environment and visually attractive places with appropriate landscaping. Policy 13(h) of the CSS also requires new development to incorporate high quality design, landscaping and architecture and development that respects and enhances the character of the surrounding area.

The application is for outline only and therefore the detailed design of the proposal will be assessed at the reserved matters stage. However, there are other examples of backland development on a number of plots to the north, namely St Anthony's Walk and Brooks Close, and also on the western side of Rothwell Road adjacent the application site. Therefore in principle the provision of dwellings to the rear of 135 Rothwell Road would not have an adverse impact upon the quality of the wider surrounding area. In addition the indicative layout submitted with the application demonstrates that 4 good size properties can be provided on spacious plots whilst maintaining much of the planting to the edge and front of the site. It is therefore considered that it will be possible to provide a high quality design and layout which respects the character of the existing streetscene of Rothwell Road and the open character of the adjoining fields.

A tree survey has been submitted with the application. The survey demonstrates that whilst many of the trees on site should be retained and maintained appropriately there are a number of trees that are in poor health or of little amenity value and therefore it has been recommended that these be removed. It is considered that the loss of some of the trees within the site would not have a significant detrimental impact upon the character of the locality because overall the site will maintain a very green feel. It is considered that a condition should be imposed requiring the protection of the trees to be retained during the works to ensure that they are not damaged and also a landscaping condition so that appropriate supplemental planting can be provided.

For the reasons set out above it is considered that the provision of 4 dwellings on the application can be provided with a high quality design and the proposal would not have a detrimental impact upon the character of this part of the rural fringe of Desborough. The proposal therefore accords with policy 13(h) of the CSS.

3. Residential amenity

Policy 13(l) of the CSS states that new development should not have an unacceptable impact upon neighbours as a result of overlooking or loss of light among other factors.

Due to the location of the application site on the edge of the settlement the nearest dwellings would be the existing property at 135 Rothwell

Road and the neighbouring dwelling to the north. Due to the size of the application site the indicative layout demonstrates that it is possible to accommodate the proposed dwellings whilst maintaining a reasonable distance between the proposed dwellings and the existing neighbouring properties to the north. The indicative layout shows a distance of 26m (wall to wall) between the existing dwelling at 135 Rothwell Road and the nearest new dwelling and a distance of 39m (wall to wall) between the dwelling to the north of the site and the nearest new dwelling.

Although consideration will be given to the positioning of the fenestration at the reserved matters stage, the indicative layout demonstrates that the development would not result in overlooking of the existing dwellings and the buildings would not have an overbearing impact upon the occupiers of these dwellings. The proposal therefore accords with policy 13(l) of the CSS.

4. Highway safety

Policy 13(n) of the CSS states that new development would not have an unacceptable impact upon the highway network or prejudice highway safety.

The application site lies on the main road between Desborough and Rothwell and therefore the proposal would benefit from good road links and would not result in a level of traffic that would adversely affect the highway network. The layout plan submitted with the application demonstrates that the necessary visibility splays can be achieved and therefore the proposed access details are acceptable. The highways authority has confirmed that because the 30mph limit has been moved south along Rothwell Road the proposal would not have an unacceptable impact upon highway safety. The proposal therefore accords with policy 13(n) of the CSS.

5. Biodiversity

Section 11 of the NPPF states that the natural environment should be protected and enhanced by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Policy 5 of the CSS states that a net gain in green infrastructure should be sought and sub-regional corridors should be safeguarded and Policy 13(o) requires the conservation and enhance of biodiversity. The application site lies to the north of the Ise Valley sub-regional corridor.

The application is accompanied by an Ecological Survey which includes an assessment of the habitats and species present on the site and their importance for biodiversity. The survey also assesses the impact of the proposal upon any protected species and includes a mitigation plan for any impacts on protected species. The survey states that the site is of little biodiversity significance due to the poor quality of the grassland, however the mature trees on the boundary and the hedgerow should be retained and a selection of bat and bird boxes should be provided in order to provide new roosting and nesting opportunities to encourage a

net gain for biodiversity.

Based on the information submitted it appears that the proposal would meet the requirements of the NPPF and the CSS, however Northamptonshire Wildlife Trust has been consulted on the application and their comments will be provided to members on the update sheet.

6. Archaeology

Policy 13(o) of the CSS states that new development should conserve and enhance the historic landscape and Section 12 of the NPPF also requires heritage assets to be protected.

The NCC Archaeology officer has advised that the remains of a post-medieval windmill has been observed to the rear of the adjacent dwelling to the north west and that post-medieval enclosures have been recorded to the north. However, the possible presence of archaeology on the application site does not warrant refusal of the application provided a condition is imposed requiring the investigation and recording of any archaeology affected by the proposal development. Therefore the proposal accords with policy 13(o) of the CSS in respect of archaeology.

7. Sustainability

Policy 14 of the CSS requires new development to meet the highest viable standards of resource and energy efficiency. Development of this scale should incorporate sustainable construction methods, energy efficiency measures, waste reduction/recycling measures and water efficiency/recycling measures.

A Sustainability Statement with completed Sustainable Design SPD checklist submitted with the application states that the proposed dwellings will be built to Code for Sustainable Homes level 3, the internal layout of the dwellings will make the best use of solar gain, low energy appliances and light bulbs will be installed and at reserved matters stage consideration will be given to solar panels, photovoltaics and ground source heat pumps. In addition water saving taps and grey water harvesting will be provided, and the hardstanding and the driveways on the site will be permeable. Where possible building materials will be sourced locally, and each dwelling will be provided with space to separate and store recyclable waste.

The Sustainability Statement demonstrates that the proposal will meet the requirements of policy 14 of the CSS and therefore the proposal is acceptable in this respect.

Comments on other points raised by proposal

The applicant submitted a draft planning obligation to ensure that the 30mph speed limit was moved south, however the highways authority has advised that the work has already been carried out and therefore the planning obligation will not be required.

Conclusion

S. 38(6) of the Planning and Compulsory Purchase Act states that applications shall be determined in accordance with the development plan unless other material considerations indicate otherwise. In addition, the NPPF states that sustainable development should be approved without delay, unless other material considerations indicate otherwise. The application site lies within the Desborough town boundary and therefore the proposal is in accordance with Policy 35 of the Local Plan and Policies 1 and 9 of the CSS in addition to the NPPF. As set out above the proposed development is acceptable in terms of its impact upon the character of the area, neighbours, biodiversity and highway safety and there are no matters that outweigh the presumption in favour of sustainable development. As such, the application is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Fjola Stevens, Development Officer on 01536 534316