

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 02/07/2019</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Natalie Westgate Senior Development Officer</b>	<b>Application No: KET/2019/0175</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>20 - 24 Underwood Road (land between), Rothwell</b>	
<b>Proposal</b>	<b>Full Application: Demolition of garages and erection of a dwelling</b>	
<b>Applicant</b>	<b>Mr M Short</b>	

Update following Committee of 4/6/2019

Further to the deferred Planning Committee report for KET/2019/0175, members sought clarification of the changes within this new proposed scheme from the refused scheme KET/2017/0151 and the relationship of the site to the neighbouring properties. The agent has submitted Plan L.12 to assist with this clarification.

The differences from KET/2017/0151 to this application KET/2019/0175 are:

KET/2017/0151 was for 2 dwellings rather than this proposed one dwelling.

Plan L.12 illustrates with a blue dashed line the previous proposed dwellings being sited significantly further forward and further back compared to the current proposed dwelling for the site.

The design on the elevations and roof plan have been altered.

Plan L.12 indicates elements that are single storey. The 45° test taken from the window of No.20, reveals no overbearing impact from the revised proposal.

## **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, 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. Prior to first occupation, the parking areas should be provided on site in accordance with plan L.10B and shall thereafter be set aside and retained for those purposes.

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

5. The windows at first floor level on both side elevations shall be glazed with obscured glass and any portion of the windows that is within 1.7m of the floor of the room where the windows is installed shall be non openable. The windows shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking.

6. 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 in any side elevation or roof plane of the building.

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

7. 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 extension or alteration to the roof permitted by Classes A, B or C of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

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

8. Prior to first occupation of the dwelling, a scheme of hard landscaping and soft 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 following the occupation of the building, 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 in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. 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.

10. The proposed removal of asbestos shall be undertaken by a registered and authorised remover of asbestos. A method statement shall be submitted and approved in writing by the Local Planning Authority. Details shall include the working methods to be employed on site during the demolition of the garages and details for the safe disposal of waste materials.

REASON: To ensure that risks from asbestos are minimised in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. No development shall take place on site until details of a refuse storage and collection point has been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage and collection point shall be provided before the occupation of the dwelling and retained as approved thereafter.

REASON: Refuse details 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.

12. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary.

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

13. Prior to the occupation of the dwelling, evidence of how the residential elements of the development hereby approved shall achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standard 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) shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests to provide a sustainable form of development in accordance with Policies 8 and 9 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2019/0175**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2017/0151: Demolition of garages and construction of 2 no. semi-detached dwellings – Refused – Dismissed at Appeal

KET/2013/0189: 2 no. dwellings – Refused

#### **Site Visit**

Officer's site inspection was carried out on 27/03/2019.

#### **Site Description**

The site is a single plot of land on the northern side of Underwood Road located between No. 20 to the east and No. 24 to the west. It is a residential street situated to the west of Rothwell town centre. The site is 10m wide and 35-37m long. The site is currently occupied by a garage block consisting of four single garages with parking to the front, behind which there is an unmanaged area of grass and overgrown vegetation.

The street has an eclectic mix of dwellings, primarily two storeys but also several bungalows. Facing materials of the dwellings surrounding the site include brick, render and pebbledash. There is no strong architectural style, however there is regularity to parts of the street created by terraces of dwellings and in other parts there are a regular building line, a regular scale and form and the predominant gable end roof style.

The site is situated between a single storey bungalow with a front facing pitched roof (No. 24) and a two storey gable fronted detached house (No. 20).

#### **Proposed Development**

The proposed development is demolition of a garage block consisting of four single garages and the construction of a part single storey and part two-storey detached dwelling.

The proposed dwelling would be a 3 bedroom property. The proposed dwelling would measure 8.4m wide by 10.1-13m deep and a maximum height of 6.7m. There would be two on-site parking spaces to the front of the dwelling. There would be a long deep rear garden.

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

None

## **4.0 Consultation and Customer Impact**

### **Rothwell Town Council**

Rothwell Town Council object to potential asbestos uncovered during demolition of the garages, size of the proposed dwelling which could impact upon enjoyment of residential amenity for neighbouring properties, lack of width at sides of the proposed dwelling and close proximity to the road junction.

### **Councillor at Rothwell Town Council**

A Councillor at Rothwell Town Council is concerned there maybe asbestos on site and there should be specialist removal of hazardous materials. It is noted there are tree and shrubs on site which could be affected.

### **Environmental Health Officer**

No objections subject to conditions on reasonable working hours and a method statement in respect of asbestos.

### **Neighbours**

Objection from the neighbouring property, No.20 Underwood Road. The concerns were:

- The proposed dwelling would be 4m deeper than No.20 at two storeys so there would be loss of light to No.20
- There would be a loss of privacy to landing window at No.20
- The proposed development would be too close to common boundary at No.20
- The proposed development is on a busy street and close to busy junction
- Asbestos on site

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 2 – Achieving Sustainable Development

Policy 5 – Delivering a Sufficient Supply of Homes

Policy 9 – Promoting Sustainable Transport

Policy 12 – Achieving well-designed Places

Policy 15 – Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1: Presumption in Favour of Sustainable Development

Policy 5: Water Environment, Resources & Flood Risk

Policy 6: Development on Brownfield Land

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 11: The Network of Urban and Rural Areas

Policy 28: Housing Requirements

Policy 29: Distribution of New Homes

Policy 30: Housing Mix & Tenure

### **Saved Policies in the Local Plan for Kettering Borough**

Policy 35: Housing: Within Towns

### **Emerging Policies (Local Development Framework)**

Site Specific Part 2 Local Plan

### **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 on the character of the area
3. Impact upon residential amenity
4. Highway safety and parking

### 1. Principle of development

The site is located within the town boundary of Rothwell, as defined in the Local Plan for Kettering Borough, in an established residential area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently comprises the adopted North Northamptonshire Joint Core Strategy and saved policies of the Kettering Borough Local Plan 1995.

Saved Policy 35 of the Kettering Borough Local Plan states that planning permission will normally be granted for proposals for residential development within the Town boundaries where the proposal is compatible with other policies and proposals in the Plan.

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 the open countryside.

Policy 11 of the North Northamptonshire Joint Core Strategy directs development towards the Growth Town of Kettering and market towns. Rothwell is defined as a market town in Policy 11 of the North Northamptonshire Joint Core Strategy. Market towns will provide a strong

service role for their local community with growth in housing at a scale appropriate to the character of the town.

Policy 29 of the North Northamptonshire Joint Core Strategy asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example there should be no adverse impact on character and appearance, residential amenity of existing or future occupiers and the highway network. These matters are considered further below.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

## 2. Design and impact on the character of the area

Section 12 of the National Planning Policy Framework requires good design from development proposals. Policy 8 d) (i) of the North Northamptonshire Joint Core Strategy requires development to respond to the site's immediate and wider context, to be of a high standard of design and landscaping, and development to respect and enhance the character of its surroundings.

The application site is a long deep plot located in between the dwellings at No's.20 and 24 Underwood Road (respectively two storey and single storey dwellings). The application site measures 10m wide single plot, a width which is similar to that of other single plots within the vicinity. The eaves level of the single storey part of the proposal would be the same as at No.24. The dwelling would be set off the common boundary to No.20 by 0.8m and 1.2m to No.24 so there would not be a terracing effect upon the streetscene. The proposed height of the proposed building would be 0.5m lower than the adjacent two storey dwelling, No.20 Underwood Road and would have same eaves level as No.20. The adjacent property (No. 20) is a side-gabled dwelling. The proposed dwelling would be in line with the front of No.20 so it would be in keeping with the established building line of the streetscene.

The general appearance of the proposed dwelling from the street is considered to be sympathetic to the mixture of house types in the locality. There are design cues of ground floor bay window and front facing pitched roof slopes which are evident elsewhere within the street. The proposed windows are in keeping with size of windows within the locality. There is a condition for samples of proposed materials to ensure it would be in keeping with the streetscene.

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

There are trees within the site but given they are not significant species worthy of Tree Preservation Order and the site is not within the Conservation Area so therefore the loss would be acceptable. There is a condition on landscaping so this could mitigate the same number of trees to remain elsewhere within the site.

Therefore the proposal is not considered to impact adversely upon the character of the local area to any significant extent and is in accordance with Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

### 3. Impact upon residential amenity

Policy 8 e) (i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The primary properties that would be impacted upon are the neighbouring properties located to each side of the application site.

The dwelling would be set off the common boundary to No.20 by 0.8m and there would be a separation distance between the dwellings of 1.9m. The ridge roof height of the proposed building is 0.5m lower than the ridge height of the two storey building to No. 20. No.20 benefits from a rear conservatory which would let some light in from the top of the glazing on the conservatory. During consideration of this application and to address concerns raised by neighbours, the depth of the proposed two storey was reduced so it would be less than 0.2m deep than the rear of the extension at No.20 and therefore sited within the 45 degree sunlight rule to reduce the loss of light to No.20.

There would remain adequate 1.8m fences surrounding the site. The side windows on No.20 facing the proposed dwelling are secondary windows and the proposed first floor side window facing No.20 would serve a landing so could be conditioned to be obscure glazed so there would not be a loss of privacy. Given the separation distances, siting of the proposed two storey element and adequate boundary treatment then this would not give rise for sense of enclosure to the detriment of the occupiers at No.20.

The dwelling would be set off the common boundary to No.24 by 1m and there would be a separation distance between the dwellings of 2.1m. The proposed ridge roof height would be set 1.2m above that of the bungalow to the west (No. 24). However, given the separation distances and the dwelling would be single storey level nearest to No.24 with the two storey element set 4.9m from the dwelling at No.24 then there would not be an adversely harmful loss of light or privacy to the occupiers and it is considered that this would not significantly give rise for sense of enclosure to the detriment of the occupiers at No.24 to warrant refusal of the application. No. 24 has a kitchen window and an obscure glazed door facing the site and patio doors on the rear elevation. The two proposed first floor windows facing No.24 would be obscure glazed to prevent loss of privacy.

The proposed dwelling would provide adequate amenity space with a long deep rear garden. There is an adequate space for refuse area within the site and a condition is attached for full details on refuse storage arrangements.

Given the closeness of the development to surrounding residential development then attached is a condition of reasonable working hours for the proposed works. Given the concerns on potential of asbestos at the site, a condition for a method statement in respect of asbestos is attached as recommended by the Environmental Health Officer.

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 does not result in an unacceptable impact upon the amenities of neighbouring properties and to the future occupants.

#### 4. Highways safety and parking

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

The site could currently be used for the provision of parking up to 4 vehicles and benefits from an existing access point. 2.0 m by 2.0 m visibility splays can be adequately achieved either side of the proposed parking spaces.

It is proposed to provide two off-street car parking spaces in front of the proposed dwellings within the site, which is in line with current local highway authority car parking standards require proposals for residential dwellings with 3 bedrooms to provide 2 car parking spaces. It is recognised that the site is well served by buses stopping nearby.

The proposed scheme would not prejudice highway safety and there would be adequate parking within the site so the proposed development would be in accordance with Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

#### Conclusion

Subject to the attached relevant conditions, the proposal complies with policies in the Development Plan and 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: