

20/00209/DPA

Develop land associated for the erection of two detached dwellings  
AT 26 Brookes Grove, Corby**1. Site Description**

- 1.1 This application relates to land associated with 26 Brookes Grove, Corby. Brookes Grove is a residential street which comprises primarily semi-detached properties of similar design and style. The dwellings in Brookes Grove appear to have been constructed around the late 1950's/early 1960's.
- 1.2 26 Brookes Grove is a semi-detached dwelling constructed of steel cladding facing panels and brick and uPVC windows set under a tiled pitched roof. The dwelling is located at the end of a cul-de-sac on a generous plot.

**2. Description of Proposal**

- 2.1 The application seeks planning permission to develop land associated with 26 Brookes Grove for the erection of two detached dwellings.
- 2.2 The first proposed dwelling, to be referred to as No.26A, will comprise of a hall, w/c, two lounges and kitchen at ground floor level. At first floor level the proposal provides 3 bedrooms and a family bathroom. The proposed dwelling has a width of 5.7 metres, a depth of 8.8 metres, an eaves height of 5.2 metres and a maximum ridge height of 7.0 metres.
- 2.3 The second proposed dwelling, to be referred to as No.26B, will comprise of a hall, w/c, two lounges and kitchen at ground floor level. At first floor level the proposal provides 3 bedrooms and a family bathroom. The proposed dwelling has a width of 5.7 metres, a depth of 8.8 metres, an eaves height of 5.2 metres and a maximum ridge height of 7.0 metres.

**3. Planning History**

- 3.1 A planning history search exercise was carried out on 16<sup>th</sup> December 2019 and revealed that the site had no relevant planning history:
- 3.2 Pre-application advice was provided in June 2019 and the applicant was advised that the principle of erecting two dwellings on the site may be acceptable providing they did not create any adverse impact to the street scene, to neighbours and on the adjacent Conservation Area.

**4. Consultations/Representations****External**

- 4.1 Public consultation was carried out by way of site notice (posted 18.09.2020) as well as notification to eleven neighbouring properties on 14.07.2020. Seven neighbour objections have been received. The reasons for objections include:
  - Loss of view
  - Noise and social issues
  - Visual impact
  - Impact on trees and wildlife
  - Parking impacts
  - Existing noise and works undertaken
  - Loss of light / overshadowing
  - Loss of privacy
  - Impact on value of existing properties
  - Hazardous smells

These objections will be addressed further on in this report.

- 4.2 The following statutory consultee responses have been received.
- 4.3 Northamptonshire Local Highway Authority (LHA) responded on 24.07.2020 and commented that the LHA cannot support the application and require further information to fully assess the impact of the proposal. The LHA requested the submission of a parking beat survey and this was provided by the applicant. The LHA response to this additional information will be included by way of an update prior to the Committee meeting.
- 4.4 The Environment Agency on 16.07.2020 confirmed that they had no comments to make on the application.
- 4.5 No response was received from Anglian Water, as such it is assumed that they have no comments or objections.

#### **Internal**

- 4.6 CBC Environmental Health (Environmental Protection) responded on 15.07.2020 and had no objections to make but recommend the inclusion of a "Reporting of Unexpected Contamination" condition should planning permission be granted.
- 4.7 CBC Conservation Officer on 06.11.2020 stated that they had no objections to the proposal.

### **5. Planning Policy**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the Local Planning Authority must have regard to:
  - a) the provisions of the development plan, so far as material to the application;
  - b) any local finance considerations, so far as material to the application, and;
  - c) any other material considerations.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 5.3 The development plan for the Borough of Corby comprises the North Northamptonshire Joint Core Strategy 2016. The revised National Planning Policy Framework (NPPF) 2019 does not change the legal status of the development plan.

#### **The National Planning Policy Framework (NPPF) 2019**

- 5.4 The NPPF, originally published in 2012 but revised in February 2019, is a material consideration in the determination of planning and related applications.
- 5.5 It contains on Paragraph 11 a "presumption in favour of sustainable development". Annex 1 of the NPPF provides guidance on its implementation. In summary this states in Paragraph 213 that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and that, in regard to existing local policies, that "...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".
- 5.6 Officers have reviewed the Joint Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with Paragraph 213 of the NPPF.

#### **National Planning Practice Guidance (NPPG) 2014 onwards**

- 5.7 On 6<sup>th</sup> March 2014, the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of

planning practice guidance documents and is subject to continuous periodical updates in different subject areas.

### **North Northamptonshire Joint Core Strategy (NNJCS) 2016**

- 5.8 With regard to this application, Policy 2 – Historic Environment and Policy 8 – Place-Shaping Principles of the NNJCS are considered relevant.

## **6. Planning Considerations**

- 6.1 Officers consider that the key determining issues with regards to the proposal are as follows:
- a) Principle of Development
  - b) Design and Impact upon the character of the Area;
  - c) Neighbouring Amenity;
  - d) Highways
- 6.2 The National Planning Policy Framework (NPPF) gives great weight to achieving well-designed places. The Framework notes that good design is a key aspect of sustainable development, creates better places and helps make development acceptable to communities. Furthermore, paragraph 127 of the NPPF clearly states that developments should function well and be sympathetic to local character.
- 6.3 The North Northamptonshire Joint Core Strategy (NNJCS) is also keen to ensure sustainable development through Policy 8 – Place-shaping Principles. It defines good design as a critical element in ensuring that new developments create sustainable, connected, characterful and healthy places which people will enjoy for years to come. In terms of character, the NNJCS urges that new development should either respond comprehensively to the established surrounding character of the area or be sufficiently distinctive in themselves.

### **Principle of Development**

- 6.4 The proposal seeks consent for the erection of two detached two storey dwellings on an enlarged plot. The proposal site is located within an established residential area with good local facilities including a school, public transport and established green spaces.
- 6.5 Saved Policy P6(R) of the Corby Borough Local Plan 1997 makes specific reference to Backland and Garden Development, stating:
- “Proposals for new dwellings on plots formed from parts of gardens of existing dwellings in built-up areas will only be permitted where there would be no adverse effects on the amenity and privacy of existing dwellings and where adequate and safe vehicular access is available. Proposals in the form of tandem development will not be permitted.”*
- 6.6 The application property is situated on Brookes Grove within the Rowlett area of Corby. Brookes Grove is a residential street which comprises primarily semi-detached properties of similar design and style. 26 Brookes Grove is located in the corner of the cul-de-sac and comprises a generous plot measuring. Given the nature and location of the proposed development and the site being within a primarily residential area, the principle of developing this site for terraced dwelling is considered acceptable.

### **Design and Impact upon the Street Scene**

- 6.7 Policy 8 of the NNJCS states that development should respect and enhance local character by ensuring that it responds to its topography, wider context and the landscape setting.
- 6.8 Consistent with Policy 8 of the NNJCS and the design-led approach advocated by the NPPF, the suitability of a development must be measured in part on its overall quality and function to ensure development is appropriately located and has regard to both the subject dwelling and the surrounding area.

- 6.9 The application site is located outside of the adjacent Conservation Area which runs just to the east of the site, the boundary running along the rear boundary of the site. The Conservation Officer has no objection to the proposal. The proposed dwellings have been designed to match the style of the existing dwelling and neighbouring properties in regards to its design and appearance. The dwellings are also considered to be of a design that will reasonably harmonise with their surroundings. Details regarding the proposed materials can be secured by condition should planning permission be granted.
- 6.10 The proposed dwellings would be located in the corner of the cul-de-sac and officers consider the dwellings would not be overly prominent in the street scene. The proposed dwellings have been sited to fit in with the existing building lines and would not encroach forward of the building line. Whilst officers acknowledge the proposed dwellings would result in some change to the appearance of the street scene at the corner of the cul-de-sac in terms of enclosure, it is considered that, on balance, an acceptable level of openness would still remain between the two detached dwellings. Furthermore the street layout is considered to be sufficiently spacious in this area to absorb two modestly sized detached dwellings.
- 6.11 On balance, officers conclude that the proposal is acceptable in terms of scale, design and appearance and the proposed dwellings would have adequate amenity space. Therefore, it is concluded that the proposal would meet the requirements of Policy 8 of the North Northamptonshire Joint Core Strategy Plan (2016).

### **Neighbouring Amenity**

- 6.12 Policy 8 of the NNJCS demonstrates the necessity of protecting amenity by development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.
- 6.13 Paragraph 127 of the NPPF lays emphasis on high-quality design and a good standard of amenity for improving the character and quality of an area and the way it functions.
- 6.14 In regards to the residential amenity, it is considered that the proposal would not result in overlooking of the neighbouring properties or a loss of privacy to a level that would warrant refusal of the application. All windows to be formed within the new dwellings will either face Brookes Grove itself or the partially screened rear boundary (by trees, shrubs and hedgerows) of the application site at a distance of at least approximately 5 metres. Although this is less than the recommended guidance, officers consider that the natural screening mitigates against any adverse impact in terms of privacy or overlooking. Notwithstanding this, officers consider that it would be prudent to ensure that matters regarding boundary treatments be secured by condition should planning permission be granted.
- 6.15 The amenity space provided for the existing property would be significantly reduced as a result of the development, but officers consider that, on balance, the amenity space for would still be adequate for both the existing and new dwellings and would be comparable to other dwellings in the area.
- 6.16 With regards to the new properties, 26A would benefit from amenity space measuring 80 square metres to the side and rear whilst 26B would have approximately 70 square metres of amenity space to the side and rear which is acceptable. The existing dwelling at 26 Brookes Grove would have approximately 90 square metres of amenity space post development which is, on balance, considered to be reasonable.
- 6.17 In regards to other surrounding properties, the proposed location of these properties are a sufficient distance away not to result in any significant loss of residential amenity. The proposal passes the 25 and 45 degree light tests and would not cause any unacceptable loss of light or overshadowing to neighbouring dwellings. Overall it is considered that the proposal is acceptable in terms of the impact upon the amenity of neighbouring dwellings.

## **Highways**

- 6.18 The Local Highways Authority (LHA) have commented that they cannot support the application and require further information to assess the proposals.
- 6.19 The LHA have commented that the application does not evidence covered, secure, overlooked and easy to use cycle parking, with a minimum 1.2m clear access including gate widths.
- 6.20 The application does not evidence the on-street capacity of Brookes Grove, therefore the LHA requested the submission of a Parking Beat Survey to determine if any car parking spaces are available within 200m of the site.
- 6.21 Noting the objections received from neighbours, officers consider that it would be reasonable to condition the request for a Parking Beat Survey and therefore condition 13 should be applied should planning permission be granted.
- 6.22 No details have been provided for bicycle parking provision but they can be secured by condition should planning permission be granted.

## **Other Matters**

- 6.23 The proposal does not make provision for bin storage but this can be secured by condition should consent be granted. The Local Authority operates a kerb side collection service. Kerb side collection already occurs for the properties on Brookes Grove and the new dwellings should match this arrangement.
- 6.24 CBC Environmental Services have not objected to the proposal however a suitable planning condition has been made for unexpected contamination as per their recommendation.

## **Third Party Comments**

- 6.25 Neighbour objections have been received from seven neighbours for a variety of reasons as outlined under paragraph 4.1 above.
- 6.26 Matters relating to a loss of view, the impact of the proposed development on the value of existing properties, existing noise and works undertaken are not material planning considerations and cannot be taken into account in the assessment of this proposal.
- 6.27 Environmental Health officers have raised no objection to the proposal, as such it is taken that they have no concerns in regard to noise, hazardous smells and social issues.
- 6.28 Concerns about the visual impact of the development have been considered in paragraphs 6.7 to 6.11 of this report.
- 6.29 Highways matters have been considered under paragraphs 6.18 to 6.22 of this report and a further update will follow after assessment of the submitted parking beat survey has been undertaken.
- 6.30 The proposal has been carefully assessed in terms of neighbour amenity impacts for loss of privacy and loss of light / overshadowing as discussed under paragraphs 6.12 to 6.17 of this report.
- 6.31 No details have been submitted in regard to the proposed loss of the tree and the impact of this. However, details relating to landscaping and the removal of the tree can be secured by a suitably worded condition should planning permission be granted.

## **7. Conclusion**

- 7.1 Overall the proposal for a the erection of two detached dwellings in this location is considered, on balance, to be acceptable in terms of its design, layout, and appearance in context of the area and will not result in any significant adverse impact on visual amenity, residential amenity or highway safety.

- 7.2 Subsequently, subject to conditions, the proposal complies with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy (2016); 'Saved' Policy P6(R) of the Corby Borough Local Plan (1997) and the National Planning Policy Framework (2019).

**Reasons for Approval:**

The development hereby approved would be in keeping with the form, character and appearance of the surrounding settlement, would not have an adverse effect on the amenity of adjoining neighbours and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to comply with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy, National Planning Policy Framework 2019 and no other material considerations indicate that the policies of the development plan should not prevail.

**Recommendation: Approve subject to the follow conditions:**

**Time**

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Approved Plans**

2. The development hereby approved shall be built in accordance with the approved plans as listed below in the 'Schedule of Plans'. The development shall be completed in accordance with the approved plans unless alternative details have been submitted and approved in writing by the Local Planning Authority prior to commencement.

**Reason:** To specify the permission and for the avoidance of doubt.

**Materials**

3. Notwithstanding the details submitted, no development above ground level shall commence on site until samples of all materials to be used in the external construction of this development shall be provided on site and details (including photographs) shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials and shall thereafter be satisfactorily retained at all times.

**Reason:** To ensure a satisfactory appearance in the interests of visual amenity and to comply with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2016.

**Boundary Treatments**

4. Notwithstanding the details submitted, prior to occupation of the development hereby permitted, the precise details of the proposed boundary treatments of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to first use.

**Reason:** In the interests of visual amenity and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

**Unexpected Contamination**

5. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on

site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

**Informative:** This must be conducted in accordance with DEFRA and the Environment Agency's '*Land Contamination: Risk Management*' (or any guidance revoking and replacing this guidance with or without modification)'.

Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide.

**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.

### **Construction Management Plan**

6. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- routes for construction traffic
- hours of operation
- construction traffic movement to be restricted between 8:15 to 9:15 and 14:45 to 15:45
- method of prevention of mud being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles
- temporary boundary treatments

**Reason:** In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

### **Landscaping**

7. No building or use hereby permitted shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner. All planted and retained materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

**Reason:** To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy. To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

### **Cycle Parking/Waste Management**

8. Prior to first occupancy, full details of the bin stores and cycle parking shall be submitted to and approved in writing by the local Planning Authority. The details approved shall thereafter be provided and be retained and maintained.

**Reason:** To ensure the provision and availability of adequate cycle parking and refuse storage in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

### **Sustainability Measures**

9. Details of measures for reducing carbon emissions and reducing water consumption from the approved development shall be submitted to, and approved in writing by, the Local Planning Authority before occupancy of the development hereby approved. The approved measures shall be implemented in full before the dwellings hereby approved are first occupied and shall thereafter be satisfactorily retained at all times.

**Reason:** To secure sustainable development in accordance with the requirements of Policy 9 of the North Northamptonshire Joint Core Strategy 2016.

### **Drainage**

10. Notwithstanding any details given on the approved plans and application form, details of the proposed means of draining foul and surface water from the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be drained in the approved manner and shall thereafter be satisfactorily retained at all times.

**Reason:** To secure proper drainage and to manage the risk of pollution, in accordance with the requirements of Section 14 of the National Planning Policy Framework 2019.

### **Levels**

11. Details of the existing and proposed ground levels of each plot, and of the finished ground floor levels of the proposed dwellings, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The ground levels and finished floor levels of the dwellings shall be set at the approved levels and thereafter satisfactorily retained at all times.

**Reason:** To safeguard the character of the surrounding area and to preserve and enhance the setting of the adjoining Conservation Area, in accordance with the requirements of Policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2016, Policy 16 of the Draft Local Plan for Corby and Sections 12, 15 and 16 of the National Planning Policy Framework.

### **Parking Beat Survey**

12. Prior to the commencement of development, a Parking Beat Survey shall be submitted to and approved in writing by the Local Planning Authority. The Parking Beat Survey should record the level of parking, at a time between 1am and 5am on a Tuesday, Wednesday or Thursday and on a Saturday or Sunday providing a total of 2 sets of data and must undertaken by an independent survey company. For the purposes of presenting the data, the survey must measure the usable length of road (length of road minus parking restrictions, dropped kerbs and 5m at the junctions), then divide this by 5.5m to approximate the number of potential parking spaces on a given section of road. A count of the number of vehicles parked should be recorded. When calculating the number of spaces available, the number of overall spaces must be rounded down. For example, 20.7 spaces should be recorded as 20 not 21, because 0.7 of a space equates to 3.85m, which isn't nearly enough to be a usable space. In addition to this, any spaces observed must be documented, including location, measurements of the space and photographic evidence.

**Reason:** To ensure a suitable form of development in accordance with the requirements of Policies 8 and 15 of the North Northamptonshire Joint Core Strategy

**Informative/s**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework 2019 to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' Local Plan Policies 1997, Joint Core Strategy Adopted July 2016, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, Officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

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