
Application for Planning Permission

20/00508/OUT

**Outline application for one dwelling on adjacent garden land
AT 38 Cottingham Road, Corby**

Site Surroundings:

The application site relates to the side/rear garden of host dwelling at No.38 Cottingham Road Corby. The application site is located on the north side of Cottingham Road. The host property is a two storey semi-detached house set within a generous plot. There is a single-track access road off Cottingham Road serving existing residential properties on this side of Cottingham Road. The surrounding area is largely residential in character which comprises predominantly semi-detached and detached dwellings set within generous plot. There are matured trees and vegetation within the boundary of the application site.

The Proposal

Outline planning permission is sought to erect a detached dwelling house with a detached garage, and amenity space on this site with all matters reserved for consideration at the reserved matters application stage.

The envisaged detached dwelling would have a footprint of 148 m² with a detached garage to have 48 m² and be used as bicycle storage.

The Site and its History

01/00027/OUT: Erection of bungalow. Refused

Policy Context**North Northamptonshire Joint Core Strategy**

In July 2016, the North Northamptonshire Joint Core Strategy (JCS) was adopted by the Joint Committee representing the District Councils of Corby, East Northamptonshire, Kettering and Wellingborough, as well as Northamptonshire County Council. The following policies are relevant for this application:

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 28: Housing Requirements

Policy 29: Distribution of New Homes

Policy 30: Housing Mix and Tenure

Emerging Local Plan for Corby

Policy 11 – Delivering Housing

Policy 16 Residential Gardens

National Planning Policy Framework (2019)

Section 2: Achieving Sustainable Development

Section 5: Delivering a Sufficient Supply of Homes

Section 8: Promoting Healthy and Safe Communities

Section 9: Promoting Sustainable Transport

Section 11: Making Effective Use of Land

Section 12: Achieving Well Designed Places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and Enhancing the Natural Environment

Consultations

NCC Highways: Local Highway Authority (LHA) made the following observation.

The applicant must provide the necessary 2 metres x 2 metres pedestrian visibility splays required on both sides of the access. These splays must be contained fully within the applicant's site and not include any public highway land, or any other third party owned land. The splays shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.

Vehicular accesses serving two to five dwellings must have a minimum width of 4.5 metres for the first 10 metres from the highway boundary. This enables two opposing vehicles to pass each other at the point of access. This in turn ensures that a vehicle entering a site does not stop and turn within the highway to allow an emerging vehicle out. Where the access is bounded by structures (e.g. wall, fence, trees, embankment etc.) on one or both sides, the width of the access must be increased to 5.5 metres.

Vehicular accesses over 45 metres in length can also have refuse collection implications. Part H of the Building Regulations limits carry distances for residents to no more than 30 metres from their building and that of operatives collecting waste to no more than 25 metres.

Please note the applicant is required to demonstrate the correct number of parking spaces per number of bedrooms (in accordance with the NCC Parking Standard Documents dated September 2016):

- Parking for a 1 Bed = 1 Space,
- Parking for a 2 Bed = 2 Spaces,
- Parking for a 3 Bed = 2 Spaces,
- Parking for a 4+ Bed = 3 spaces,
- Visitor Parking provision is at 0.25 spaces/dwelling,
- A single garage cannot be counted as a space,
- A double garage can be counted as a single space,
- Residential Spaces must be a minimum of 3 metres x 5.5 metres in size.

CBC Environmental Services:

No objections and no comment.

CBC Sustainability Officer:

I have concerns that this siting of this proposal is directly adjacent to flood zone 2 and there are no details of flood adaptation measures. I note the sustainable design and energy statement document and would advise that the applicant consider sustainable source of power (e.g. solar pv), sustainable orientation of the house for maximum solar gain, sustainable heat such as heat pumps, cycle storage and electric vehicle charge points, as part of the design.

Advertisement/Representations

1. Site Notice – None
2. Public Notice (ET) – N/a
3. Neighbour Notifications – Surrounding premises were notified by individual letter on 21.12.2020 (Notification period expired 13.01.2021)
4. Summary of Representations – 6 representations were received against the application of the following grounds:
 - Against planning policy
 - Highway considerations
 - Increase in traffic
 - Overlooking
 - Parking

- Possible damage to the local environment
- Possible pollution implications
- Possible problems with noise
- Loss of Privacy

Officer Assessment:

- a) Principle
- b) Design/Scale/Effect on Street Scene
- c) Amenity Issues
- d) Highway Safety Issues
- e) Tree issues
- f) Ecological Issues
- g) Drainage Issues
- h) Flood Risk Issues

Principle

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the development.

Corby Borough Council can currently demonstrate a 6.01-year housing land supply of deliverable sites for the period 1 April 2019 to 31 March 2024, inclusive of a 5% buffer. Paragraph 11 (d) of the NPPF (2019) requires that the balance at the start of the assessment is tilted in favour of approval (this is referred to as 'the tilted balance') unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or the adverse impacts arising from development would significantly and demonstrably outweigh the benefits (i.e. tip the scales the other way) to justify a refusal of planning permission.

The proposal seeks an outline planning consent for a detached dwelling with a detached garage, vehicular access, and amenity space.

The application land forms part of the garden area of 38 Cottingham Road, a two storey semi-detached dwelling house siting within a generous plot which forms part of the character of the area. There are established trees and vegetation along the rear and side boundary of the site. The application site sits adjacent to an open country field. There is a single-track access road off Cottingham Road currently serving existing 3 residential properties on this side of Cottingham Road.

Although sited within the built-up area, the context of the locality can be described as rural, which is reinforced by the narrow single-track lane and its direct connection to the wider countryside to the north.

Policy 11 of the North Northamptonshire Joint Core Strategy (2016) states that:

- a) Development in the rural areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement.
- b) Small scale infill development will be permitted on suitable sites within Villages where this would not materially harm the character of the settlement and residential amenity or

exceed the capacity of local infrastructure and services. Part 2 Local Plans and/ or Neighbourhood Plans may identify sites within or adjoining Villages to help meet locally identified needs or may designate sensitive areas where infill development will be resisted or subject to special control.

The application site is not proposed for allocation for development in the draft Local Plan. The proposed development is therefore contrary to, criterion 2b of Policy 11 which refers to small scale infill development being permitted on suitable sites within villages. This refers to the development of vacant and under-developed land within the main built-up areas of the village on land which is bounded by existing built curtilages on at least two sides, such as the filling in of a small gap in an otherwise substantially built-up frontage.

The proposed development would be sited within the garden area of an existing dwellinghouse with an open view and established vegetation that forms part of the distinct character and landscape setting of the local area and would not be bounded by existing built curtilages on at least two sides. As such, it is not considered an infill development, by reason of its location and character of the application site being within the rear garden of an existing dwellinghouse. The proposed development will introduce a built form, such that will erode the openness of the garden area connecting the plot to the open countryside and will materially harm the distinct character and landscape setting of the settlement.

The site currently serves as part of the garden of No 38 Cottingham Road, it is considered historically to be associated with the above-mentioned property, an assessment of whether the proposal meets the local level infill development policy has been undertaken and the principle of development is considered to contradict with Policy 11 of the North Northamptonshire Joint Core Strategy (2016).

Impact character and appearance

This application has been submitted in outline form only and formal approval of the details of the design, scale and layout of the new dwelling are not being sought at this stage. However, the agent has submitted illustrative details indicating how they envisage a detached dwelling house with a detached garage could be accommodated on this plot. These show a freestanding building positioned towards the north side of 38 Cottingham Road. Given that this is an outline application with all matters reserved, there are no details submitted with the application for the officer to assess the implication of the proposed development in terms of design and scale within this location.

However, in the position shown on the illustrative block plan it is considered that the siting of the proposed development within the garden area would have an adverse effect upon the visual amenity of the area which currently affords unrestricted view into the open countryside and will fail to respond to the local topography and the overall form, character and landscape setting of the settlement.

Consequently, the proposal would lead to the subdivision of the existing plot creating two plots that would be significantly smaller than others in the locality. The retention of 38 Cottingham Road on one of these, and the erection of a new dwelling on the other, would, it is considered, result in a cramped form of development with the proposed dwelling relating poorly to its surroundings and the development representing overdevelopment in general.

It is considered that the proposal currently fails to meet the aims of Policy 8 of the Core Strategy, Policy 16 of the Draft Corby Local Plan and of Sections 12 and 15 of the National Planning Policy Framework in this regard.

Amenity Issues

As indicated above this application has been submitted in outline form only and formal approval of the details of the proposed layout of the development are not being sought at this stage. However, the illustrative details submitted by the agent shows that the proposed development will be located on the north side of the host dwelling.

The lack of detailed plan submitted in this instance will not provide officer with adequate information to conduct a thorough assessment on the potential impact of the proposed development on the host dwelling and neighbouring properties.

However, given that residential garden plays an important amenity role by providing private recreational space for residents, the proposed development would result to a significant loss of amenity space currently available for the occupiers of No.38 Cottingham Road. As such, the proposed development would fail to protect the amenity space for the host dwelling causing a detrimental impact on the quality of life because of this loss of amenity space. The development proposed would therefore conflict with Policy 8 (section e) of the North Northamptonshire Joint Core Strategy (2016) and Policy 16 of the Draft Corby Local Plan Part 2, as it relates to safeguarding residential amenity.

Highway Safety Issues

Formal approval of the proposed parking and access arrangements for the existing and proposed dwellings are not being sought at this stage. Furthermore, only very limited illustrative details of these have been included with the application, the only details being of the proposed means of gaining vehicular access to the site. Nevertheless, the County Highways has responded with some observation relating to the proposed development as follows:

- The applicant must provide the necessary 2 metres x 2 metres pedestrian visibility splays required on both sides of the access. These splays must be contained fully within the applicant's site and not include any public highway land, or any other third party owned land. The splays shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.
- Vehicular accesses serving two to five dwellings must have a minimum width of 4.5 metres for the first 10 metres from the highway boundary. This enables two opposing vehicles to pass each other at the point of access. This in turn ensures that a vehicle entering a site does not stop and turn within the highway to allow an emerging vehicle out. Where the access is bounded by structures (e.g. wall, fence, trees, embankment etc.) on one or both sides, the width of the access must be increased to 5.5 metres.
- Vehicular accesses over 45 metres in length can also have refuse collection implications. Part H of the Building Regulations limits carry distances for residents to no more than 30 metres from their building and that of operatives collecting waste to no more than 25 metres.
- The applicant is required to demonstrate the correct number of parking spaces per number of bedrooms (in accordance with the NCC Parking Standard Documents dated September 2016).

The applicant in its planning statement stated that vehicular access to the proposed development would be through existing single-track access off Cottingham Road. The access road is approximately 75m long to the front of the application site from the public highway. The width of the existing access is in excess of 3.7m wide for its whole length.

Consequently, there are no parking provision shown on the submitted plan for host property at 38 Cottingham Road.

At this stage, there is insufficient information to fully assess the development implication from highway perspective. However, the illustrative plans submitted clearly show that the proposed development will struggle to meet the highway requirements highlighted above such that will make this proposal acceptable.

Tree and Landscape Issues

There are substantial early mature/matured trees within and adjoining this site. These are visible from the open field adjacent to the site and when approaching the site from the south of the application site.

The trees and vegetation are dominant in the area in terms of their visual landscape value, that they are under threat of removal because of this submission, and that they are worthy of protection. It is contended that it has not been satisfactorily demonstrated how the proposed development would safeguard these trees either in terms of preventing their immediate loss, preventing damage to their roots that may lead to future tree loss or avoiding future pressure to fell them. In the absence of satisfactory information to this end, it is considered that the development of this site could potentially have a significant impact upon these trees, and this would harm the visual amenity and landscape setting of the area.

On this basis the proposal is currently considered to be contrary to the provisions of Policy 8 of the North Northamptonshire Joint Core Strategy and Section 15 of the National Planning Policy Framework in this regard.

Ecological Issues

The application site is not known to be the habitat of any protected flora and fauna. Furthermore, as it is currently used as domestic garden it seems unlikely that it will currently be supporting anything of ecological importance. In pure ecological terms, therefore, it is considered that the development would be acceptable reasonably meeting the requirements of Section 15 of the National Planning Policy Framework in this regard.

Flood Risk Issues

The site lies adjacent to Flood Zone 2. A site-specific Flood Risk Assessment would be required to accompany any future development proposals to ensure no significant negative effects arise from development in accordance with the National Planning Policy Framework. The flood risk impact has not been acknowledged by the applicant and there is no Flood Risk Assessment report submitted with the application.

Sustainability officer was consulted and raised concerns that the siting of this proposal is directly adjacent to flood zone 2 and there are no details of flood adaptation measures.

It is therefore considered that the development is likely to significantly exacerbate problems of flooding at this location. It is considered that there are reasonable flood risk grounds for opposing this development and as such it is considered that it would fail to satisfy the requirements of Section 14 of the NPPF in this regard.

Conclusion

The proposed development is unacceptable, as it fail an assessment of whether the proposal meets the local level infill development policy and the principle of development is considered to contradict with Policy 11 of the North Northamptonshire Joint Core Strategy (2016). The proposal is unacceptable in visual amenity terms failing to fully satisfy the requirements of Policy 8 of the North Northamptonshire Joint Core Strategy, Policy 16 of the Draft Corby Local Plan and Section 15 of the National Planning Policy Framework. The development will significantly harm the quality of life in terms of inadequate amenity space provision within the host property and the new dwelling house by reason of its size.

The harm highlighted significantly and demonstrably outweighs the proposal benefits, including delivery of housing, and the proposal does not represent sustainable development. Subsequently the proposal is contrary to Policies 8 and 11 of the North Northamptonshire Joint Core Strategy (2016); Policy 16 of the Draft Corby Local Plan Part 2 and the National Planning Policy Framework (2020).

Recommendation: That Outline Planning Permission be refused for the following reasons: -

1. The location and scale of the proposed development would not result in a well-integrated extension to the settlement and fails to respond to the existing pattern and character of development in the locality and the intrinsic character and beauty of the village settlement. The proposed development as shown within the block plan fails to demonstrate that the site can accommodate the dwellinghouse in a manner that will promote or reinforce local distinctiveness and which reflects the constraints, sensitivity and location of the site. The proposal, therefore, considered to be contrary to the

National Planning Policy Framework; Policies 8 and 11 of the North Northamptonshire Joint Core Strategy (2016), Policy 16 of the Draft Corby Local Plan Part 2 and the National Planning Policy Framework (2020)

2. The proposed development by reason of its design, scale and siting would result to loss of amenity space to existing property at No.38 Cottingham Road and provide inadequate amenity space for the new dwelling, such that will significantly harm the quality of life for the current and potential occupiers. The development proposed would therefore conflict with Policy 8 (section e) of the North Northamptonshire Joint Core Strategy (2016) and Policy 16 of the Draft Corby Local Plan Part 2, as it relates to safeguarding residential amenity.
3. In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore detrimental to the visual amenity of the street scene, the wider area and landscape setting contrary to Policy 3 and 8 of the North Northamptonshire Joint Core Strategy (2016) and advice within NPPF
4. In the absence of a Flood Risk Assessment to demonstrate that the proposed development is unlikely to exacerbate problems of flooding at this location and will be resilient to future flood risk by reason of its proximity to flood risk zone 2. It is considered that there are reasonable flood risk grounds for opposing this development and as such it is considered that it would fail to satisfy the requirements of Section 14 of the NPPF in this regard.

Schedule of Plans

Existing Site Plan

Location Plan

Block Plan

Access Layout

Design and Access Statement

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.

Officer to Contact:

Mr Babatunde Aregbesola