

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/10/2017	Item No: 5.8
Report Originator	Andrew Smith Development Team Leader	Application No: KET/2017/0636
Wards Affected	Queen Eleanor and Buccleuch	
Location	35 Stamford Road (land adj), Geddington	
Proposal	Full Application: Dwelling and alterations to existing garage	
Applicant	Mr & Mrs G Dickens	

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 referenced: KET/2017/0636/1; 1469.12.24; 1469.13 06; 1469.06.17.

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 shall commence on site until details of the types and colours of all external facing and roofing materials (including natural slates for the roof areas) to be used including to the balcony screen walls and garage alterations hereby approved, 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 prior to the commencement of development 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 the first occupation of development a scheme for boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of highway safety, amenity and protecting the privacy of the neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary. Any such feature erected beyond that distance shall be hung to open inwards away from the highway.

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

6. 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 condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

7. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on 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.

8. Prior to first occupation of the development a scheme of hard 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 and to ensure that residential amenity is safeguarded in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. The window at first floor level on the east elevation and the window at first floor level on the west elevation as depicted upon approved plan 1469.12.24 shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

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

10. 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 building, structure or other alteration permitted by Class A, B, C or E of Part 1 of Schedule 2 of the Order shall be erected or made 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.

Officers Report for KET/2017/0636

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

3.0 Information

Relevant Planning History

KET/2017/0319 Dwelling and double garage (Withdrawn)

KET/2016/0277 1no. dwelling (Refused)

This was for a modern dwelling; in the refusal there was recognition that no identified need had been demonstrated nor that an appropriately designed proposal had been submitted.

Site Visit

Officer's site inspection was carried out on 07/09/2017

Site Description

The application site is part of a ribbon of residential development outside the settlement boundary in the open countryside to the north of Geddington village.

The application site comprises part of the rear garden of No.35 Stamford Road and the plot is located between No.35 Stamford Road to the east and No.33 Stamford Road to the west. To the northeast of the site in No.37 Stamford Road.

Proposed Development

The proposal is for a detached, predominantly 1 ½ storey dwellinghouse of roughly rectangular footprint with a dual-pitched roof and half-dormer windows. The dwelling would be located to the western side of the site approximately 30m away from Stamford Road. It is proposed that the front door of the property be orientated northwards whilst a proposed balcony feature be incorporated to the south-facing elevation.

An existing single storey garage on-site is proposed to be retained with its door opening reoriented to its northern elevation so as to be incorporated within the curtilage of the newly proposed dwelling. An open car parking area to serve the new dwelling is proposed at the northern end of the site whilst the car parking arrangements for the existing No.35 Stamford Road are proposed to be re-configured adjacent to the existing vehicular accesspoint (which would become a shared access).

Revised plans have been submitted during the application which shows amendments to the vehicular access including the provision of pedestrian visibility splays by reducing the height of part of the boundary wall to the front. Privacy screens to either side of the proposed balcony area have also been introduced.

Any Constraints Affecting the Site

Outside settlement boundary but within a group of existing dwellings.

4.0 Consultation and Customer Impact

The revised plans were consulted upon for 14 days on 26th September 2017; any further comments received following the publication of this Committee Report shall be reported through the Update Sheet.

Geddington Parish Council: No comments yet received – these are expected on 10th October 2017.

Highway Authority: No objection to revised plans subject to conditions being applied where necessary.

KBC Environmental Protection: No objection subject to conditions being applied related to contamination investigation and working hours.

Neighbours: Notification letters were sent out to close proximity occupiers. 1no. letter of objection was received from the occupier of No.33 Stamford Road, which can be summarised as follows:

The application site is located outside of the village boundary; the proposals would set a precedent for similar developments. The proposed planting could have an impact upon the amount of available light. The building itself would block light and cause amenity concerns, it should be moved towards the main road. Concerns about the impact of the proposed balcony's effect upon privacy.

5.0 Planning Policy

National Planning Policy Framework

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 11. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 3. Landscape Character

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 13. Rural Exceptions

Policy 30. Housing Mix and Tenure

Saved Policies in the Local Plan for Kettering Borough

7. Environment: Protection of the Open Countryside

RA5. Rural Area: Housing in the Open Countryside

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 & Visual Appearance
3. Residential Amenity
4. Access & Parking

1. Principle of Development

The application site is in the open countryside, outside the settlement boundary for Geddington village. The emerging Site Specific Part 2 Local Plan which is currently being taken forward to public consultation does not include this and the adjacent dwellinghouses within an updated settlement boundary for Geddington, and as such, the application site is likely to retain a position in the open countryside.

Paragraph 49 of the National Planning Policy Framework (NPPF) states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Saved Policies 7 and RA5 of the Local Plan for Kettering Borough restricts new development in the open countryside away from established settlements. Policy 11 of the Joint Core Strategy states that development will be distributed to strengthen the network of settlements contained within the Borough. It does however state that within rural areas small scale infill development will be permitted on suitable sites where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services.

Furthermore, Policy 13 of the Joint Core Strategy, 'Rural exceptions', sets out a list of criteria that development adjoining established settlements should meet to allow it to be looked upon positively. Of these criteria the site is well related to the village and its associated facilities and services to meet the day to day needs of occupants of the development; convenient access to village services is possible. The scale of development proposed (i.e. a single dwelling) is commensurate to the size and location of the application site, although detailed design and visual impact assessment shall follow in these considerations.

Policy 13 does however state that Rural Exception Housing schemes should be affordable housing unless an element of market housing is essential to enable the delivery of the development. This criterion is not considered overriding in this instance.

Consideration has been given to the earlier reasons for refusal that applied to

the 2016 proposal at this site. In design the current proposal is traditional with attention given to detailing. Though no rural exception housing need is presented, the site's context is a group of other open-market houses. It would not be proportionate to require the property to take the form of subsidised housing.

The application site forms part of the residential curtilage of an existing residential dwelling that itself sits alongside a number of other residential dwellings that front the western side of Stamford Road at the northern end of the village, i.e. outside of the settlement boundary of Geddington. These residential properties (7no. in total) are primarily located to the front of their plots adjacent to Stamford Road. The exception to this is the setback No.33 Stamford Road to the rear of the application.

In light of the site's clear and immediate relationship with the settlement boundary of Geddington, the fact that the proposals would be purely centred upon the use of existing residential curtilage in an area that is characterised by neighbouring market dwellings, the planning balance means that the presumption in favour of sustainable development contained within the NPPF can be applied to favour the principle of a single market dwelling, subject to detailed consideration as to whether the scale, location and design of the proposed development is indeed acceptable in the contexts of design and visual impact and safeguarding residential amenity.

By virtue of the proposals being wholly located within existing residential curtilage, it is clear that the proposals do not set a precedent for the free reign of development proposals outside of the settlement boundary of Geddington. Any future development proposals on similarly designated sites would have to be judged on their own individual merits in the context of their relationship to the village and the current use of that particular site.

2. Design & Visual Appearance

The proposals have been subject to pre-application advice and have been brought forward in the interests of seeking to minimise the visual impact of development. A full 1 ½ storey height is being proposed to a property that would align with the southern building line of No.33 Stamford Road to the east. The applicant has also sought to retain the existing single garage on-site as part of the proposals.

It is considered that the rectangular shaped and relatively modest built footprint of the proposals (when compared to the large L-shaped design proposed under refused application KET/2016/0277) is far more reflective of the character of the surrounding area and far less likely to constitute an overdevelopment of the site.

A site section has been submitted to demonstrate that the height of the proposed dwelling would be reflective of the neighbouring built form. The ridge height would be set at the same as No. 33 to the rear and approximately 0.8m

below the ridge of No.35 to the front. The final details of materials would be secured via condition, but it is proposed that a red brick and smooth slate tiles to match the existing No.35 would be used. These should be natural slates and good quality red stock facing bricks. The proposed porch, rear bay and half dormer features and window footer and header details would add visual interest to the proposals.

Much of the existing development on the western side of Stamford Road in this area is situated to the front-of-plot in close proximity to the highway. In this instance however it is acknowledged that the southern side-facing elevation of the host property (No. 35 Stamford Road) takes the appearance of a principal elevation with large bay windows making up part of it. The area to the immediate south of No.35 should therefore be kept clear of development (primarily in the interests of safeguarding the amenities of existing occupiers).

Properties in the area are generally typified by large garden areas and the application site is no exception. No. 35 and its curtilage cover a rectangular area of approximately 45m in length by 30m in width. It is considered that the site can sustain the construction of the proposed dwelling without it appearing out of character with the surrounding area or creating a cramped form of development at odds with the spacious character of a number of the neighbouring plots.

There is also a precedent for built form being located away from Stamford Road; this is in the form of No.33 Stamford Road to the immediate rear (west) of the application site. The proposed backland position of the proposed dwelling does not therefore raise concerns in the context of appearing out of character in the area. When viewed over the open countryside to the south of the site the newly proposed dwelling would appear sandwiched between two existing residential properties of similar scale and prominence. The proposals are therefore supported in the context of their design and visual impact in accordance with Policy 8 of the Joint Core Strategy and the guidance contained within the NPPF.

3. Residential Amenity

The proposals have been brought forward in a composition that safeguards the amenity of surrounding and future residential occupiers. Whilst the footprint of the dwelling would be sited close to No.33 to the rear of the site, it would be situated alongside the blank east-facing side elevation of No.33 and the height of the proposed dwelling would drop to a single storey at this end of the site. It is considered that a loss of light or overbearing relationship to the potential detriment of residential amenity would not occur. The same is true when considering the relationship between the existing No. 35 and the proposed dwelling in light of the generous separation distance proposed.

Proposed window openings would predominantly face either north or south and would not afford unduly sensitive overlooking opportunities. To the north the new dwelling would be setback some 15m from the opposing boundary with No.37 and would not be orientated to face the built form of No.37 in any event. To the south the new dwelling would face over open countryside with

the nearest opposing residential dwelling being located approximately 100m away. Both newly proposed small-sized gable end windows at first floor level (at either end of the property) would be obscure glazed – to be secured via condition. In the interests of prudence, a further condition should be applied to withdraw permitted development rights for any future extensions, outbuildings or roof alterations (particularly given the close proximity location of No. 33 to the west).

The proposals incorporate a first floor level balcony to the southern side of the property. This would face south over open countryside. It would however provide views to the west (i.e. towards the garden area serving No.33). The balcony would be approximately 10m away from the boundary which is currently afforded a strong landscaped buffer. However in the interests of prudence the applicant has agreed to provide 1.7m high and 1m wide screen walls to either side of the balcony in the interest of guarding against the potential opportunity for sensitive overlooking to be provided. It is considered that this represents an appropriate measure to ensure that residential amenity is indeed safeguarded.

Access to the new property would be drawn from the existing access serving No.35 – it is not considered that allowing the access to also serve the new dwelling would significantly adversely impact the amenities of existing occupiers by virtue of the low quantum of development (a single dwelling) and the associated low number of vehicular trips that would be expected to be generated.

In accordance with Environmental Health's request, conditions should also be applied to control working hours and to ensure that the site is investigated for potential contamination (and remediated if required). Overall It is considered that residential amenity would be appropriately safeguarded in accordance with Policy 8 of the JCS.

4. Access, Parking & Landscaping

The proposed access arrangements have been amended during the application process to ensure that the Highway Authority's standards are complied with. A 4.5m wide access with appropriate visibility splays is to be provided, which will involve the slight reduction in height of the front brick boundary wall. Full details of boundary treatment, including the materials to be used for this, shall be secured via condition. The proposed layout indicates adequate external car parking spaces for up to 4no. cars for both the existing dwelling (No.35) and the proposed dwelling (in addition to the existing garage being reused with a newly positioned north-facing opening). A further condition should be applied to secure full details of soft and hard landscaping to ensure that an appropriate form of development is brought forward including appropriately selected soft landscaping (indicative details have already been provided, which are focused upon new hedgerow and shrub planting).

Conclusion

Taking account of all considerations, the planning balance is to favour the

development of this infill plot at the edge of Geddington. It is considered that an appropriate form and scale of development is proposed that appropriately respects the character and appearance of its surroundings and the amenities of neighbouring residential occupiers in compliance with Policies 8, 11 and 13 of the North Northamptonshire Joint Core Strategy and the guidance contained within the National Planning Policy Framework.

Background Papers

Title of Document:

Date:

Contact Officer:

Andrew Smith, Development Team Leader on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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