

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/02/2020	Item No: 5.3
Report Originator	Mark Coleman Development Officer	Application No: KET/2019/0759
Wards Affected	Slade	
Location	13 Long Breech, Mawsley	
Proposal	s.73A Retrospective Application: Detached garage and office	
Applicant	Mr & Mrs J Den Drijver	

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 office / garage building hereby approved shall at no time whatsoever be used or occupied by visiting members of the public or persons other than those who live at 13 Long Breech, Mawsley, NN14 1TR.

REASON: In order to ensure prevent the establishment of a more intensive commercial use or use with a different character which without sufficient control would have a significant adverse impact on neighbouring amenity in terms of noise disturbance and parking, traffic and highway safety in general which would also adversely affect the character and appearance of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. The office / garage building hereby approved shall only be used by persons living at 13 Long Breech, Mawsley, NN14 1TR for the purpose of home office in connection with their own business only and parking of their own domestic vehicles or the reasonable storage of their own domestic possessions only and shall at all times remain incidental to the enjoyment of the main dwellinghouse.

REASON: In order to prevent an alternative use or use by other persons of the building occurring which without proper justification or control will give rise to significant adverse impact on neighbouring amenity in terms of noise disturbance and parking, traffic and highway safety in general which would also adversely affect the character and appearance of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Notwithstanding the requirements of condition 2, the office / garage building hereby approved shall at no time whatsoever be used for the storage or distribution of goods, fixtures, fittings or other consumables associated with any business or commercial use.

REASON: In order to prevent an alternative commercial use of the building occurring which without proper justification or control will give rise to significant adverse impact on neighbouring amenity in terms of noise disturbance and parking, traffic and highway safety in general which would also adversely affect the character and appearance of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. 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 Class E shall be made in the southeast elevation or northeast 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.

5. 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.

Officers Report for KET/2019/0759

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

3.0 Information

Relevant Planning History

KET/2019/0758 – Retrospective: Garage conversion and rear infill extension connecting to side elevation of existing house to create annexed accommodation and side extension to house and loft conversion - PENDING

KET/2014/0827 - Construction of additional garaging and home offices - Approved (22/01/2015)

KET/2004/1341 – Approval of Reserved Matters: 41 no. houses, roads, sewers and associated works – Approved

KET/2004/1083 – Approval of Reserved Matters: 42 no. houses, roads, sewers and associated works – Refused

KET/2004/0317 – Outline for residential development – Refused

KET/2004/0186 – Approval of Reserved Matters: Infrastructure: sewers serving remaining land at Mawsley, including foul pumping station – Approved

KE/2000/0594 – Variation of condition 1 on outline planning permission KE/1995/0016 to permit reserved matter applications to be made not later than 11 years beginning with the date of the outline permission – Approved

KE/1999/0415 – Application to vary conditions attached to outline consent for Mawsley new village – Approved

KE/1999/0216 – Application to vary conditions attached to outline consent for Mawsley new village (Condition 21 Highways) – Refused

KE/1995/0016 – Proposed new village – Approved

Site Visit

Officer's site inspection was carried out on 07/11/2019.

Site Description

Site is located on the towards the northern end of Mawsley on the edge of the village adjacent an area of open space and open fields. The site is occupied

by a large, two storey, detached dwellinghouse, which occupies a corner plot. To the front of the site is a partially converted garage (subject of pending planning application KET/2019/0758). In addition, there is a detached 1.5 storey building which is the subject of this planning application. Attached to the building on the northwest elevation is a mono-pitched lean-to shed and a metal and glass framed balcony (the balcony does not form part of this planning application).

Proposed Development

Planning permission is sought for the retention of the 1.5 storey detached building with lean to shed. It is proposed that the building will be used for the purposes of a garage and home office as originally proposed through planning permission KET/2014/0827 which was granted planning permission by Members.

This planning application has been submitted as a result of an on-going planning enforcement investigation which identified unauthorised development. In terms of what has been built out, the unauthorised development comprises a 1.5 storey detached building of similar dimensions to that approved under planning application KET/2014/0827. However, the existing building is materially different, in that the building approved under KET/2014/0827 included a dog-legged section at the southern (rear) corner to ensure that a tree in situ at the time would not be disturbed. The tree has subsequently been removed; the existing building now under consideration has a traditional rectangular layout. In addition, the roof tiles are grey concrete tiles (as opposed to red clay/concrete tile), the fascia panels are composite timber effect (as opposed to natural timber). A composite garage door with pedestrian service door has also been installed. The existing building includes outward opening doors to first floor which open out on to a balcony, with mono-pitched storage shed below. The building has been in use as a holiday rental before being used as a dwelling. Both uses have ceased.

In accordance with officer advice, the applicant is not seeking planning permission for retention of the balcony or associated outward opening doors, shower, oven/extractor, etc. If planning permission is granted, it is recommended that the Council seek removal of these features through informal compliance within a period of up to 3-4 months and take formal action where necessary to ensure that impacts on the character and appearance of the area, residential amenity and highway safety are resolved and that the building cannot be used as a dwelling. The proposed internal layout shown on the submitted plans therefore shows a first-floor office area, with toilet / handwash facilities at ground floor and a small kitchenette to service the office use only.

Any Constraints Affecting the Site

SSSI

Potential LWT (Open space) adjacent

4.0 Consultation and Customer Impact

Mawsley Parish Council

No comment received.

Neighbours

- Comment of objection from 11 Long Breech received on 24th November 2019. A summary of the reasons for objection include: overshadowing due to scale during summer; removal of a mature tree; noise disturbance associated with use of building; overbearing (scale/proximity); reflection from the composite cladding not in-keeping; building used for kitchen / bathroom deliveries associated with occupiers business (highway safety and noise disturbance).

Matters relating to disregarding planning rules and future concerns over use of the building is not a material planning consideration which can be considered further.

Further comment of objection from 11 Long Breech received on 10th January 2020 in response to a re-consultation. Objection based on the retention of a shower to the ground floor will enable the developer to resume use of the building as a dwelling *[Members are advised that the ground floor shower has been removed from the proposal now under consideration. As a result this comment is not considered further].*

Further comment of objection from 11 Long Breech received on 13th January 2020. Objection based on retention of the shower to the ground floor, given the historic unauthorised use as a dwelling and the lack of need from a business perspective. The cladding is brighter and more reflective compared to the approved natural timber (at all times of the day).

Matters relating to the retrospective nature of the application is not a material consideration and cannot be considered further.

Further comment of objection from 11 Long Breech received on 29th January 2020, on the grounds of traffic generation associated with use of the building for commercial deliveries and impact on highway safety and associated damage to highways.

- Comment of objection from 2 Lensway received on 20th November 2019. A summary of the reasons for objection include: The proposed balcony results

in loss of privacy and is not in keeping with the character and appearance of the area [*Members are advised that the balcony has now been removed from the proposal and is not considered further*]; associated noise; highway safety/parking impacts.

The issue of the building being used as a bed and breakfast or other commercial use and impacts associated with this is noted, but the unauthorised use has ceased. The proposal under consideration is not seeking planning permission for a use other than garage and home office use.

- Comment of objection from 9 Long Breech received on 26th November 2019. A summary of the reasons for objection include: Loss of access to natural light and overshadowing during summer months due to building height/orientation; removal of a mature tree; highway safety and traffic impacts resulting from a business use; noise disturbance associated with the proposed office use and associated deliveries; overbearing.

Matters relating to disregarding planning rules, potential alternative future use of the building, and impacts on property values are not a material considerations and cannot be considered further.

- Comment of objection from 17 Long Breech received on 7th December 2019. A summary of the reasons for objection include: Overdevelopment (when considering pending application KET/2019/0758 as well) which would be out of character with the surrounding area; insufficient parking and highway safety impacts; loss of privacy due to overlooking from the balcony [*Members are advised that the balcony has now been removed from the proposal*]; Loss of access to natural light and over-shadowing.

Comment relating to property values, loss of private views and potential future development, and disregard of planning rules are not material planning considerations.

5.0 Planning Policy

National Planning Policy Framework

Section 2: Achieving Sustainable Development

Section 6: Building a strong, competitive economy

Section 9: Promoting Sustainable Transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Saved Policies in the Local Plan for Kettering Borough

Policy 7: Protection of the Open Countryside

Emerging Policies (Local Development Framework)

Policy LOC1 – Settlement Boundaries

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site-Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on residential amenity
3. Impact on the character and appearance of the area
4. Parking and Highway Safety
5. Overdevelopment

6. Wildlife and Biodiversity

1. Principle of development

Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.

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.

Policy 7 of the Local Plan for Kettering Borough restricts new development in the open countryside. However, despite not having a settlement boundary defined by policy, the site is located within an existing built residential area of Mawsley, which was granted planning permission as a new village identified within superseded Policies 36 and RA2 of the Local Plan for Kettering Borough 1995. As Mawsley is not a scattered settlement, significant weight is given to the existing residential use of the site and the surrounding residential area which defines the extent of the village. Emerging Policy LOC1 of the SSP2 Local Plan - publication plan defines the extent of defined settlements (including Mawsley) which are set out on a proposals map. Due to the stage of the emerging SSP2 Local Plan preparation (publication plan stage) only limited weight can be attached to it. However it remains a material consideration as the application site also falls within the emerging settlement boundary.

Policy 11 (JCS) seeks for development to strengthen the network of existing settlements in accordance with their roles. Policy 8 (JCS) is also supportive of development within the curtilage of residential properties provided there is no adverse impact on character, appearance and residential amenity. The proposal accords with the relevant parts of Policy 11 (JCS) and the principle of development is considered acceptable, subject to other matters being satisfied through compliance with Development Plan policies as discussed within this report. In addition, significant weight is attached to the grant of planning permission for a similar, yet materially different development in the same location. This was granted under planning permission KET/2014/0827, and whilst it was determined under an earlier iteration of the Development Plan, the key policy issues remain; as a result, the principle of development has also been established through the grant of this earlier planning permission also.

2. Impact on residential amenity

Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and

accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.

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 building proportions and location are similar to those approved under KET/2014/0827 which was considered acceptable at the time. Since this decision there has been a material change to the development plan through the adoption of the North Northamptonshire Joint Core Strategy (July 2016), the direction of the superseding policy remains similar as does the proposal now under consideration in terms of its impact on residential amenity.

Despite this, a number of objections have been received in respect of this application which are summarised in section 4 of this report. Some of the comments relate to the previous unauthorised use of the building which have ceased.

Objections have been received regarding noise arising from the proposed property which have been experienced by neighbours. Some of those noise impacts were associated with the unauthorised use of the building as a dwelling, which has now ceased, but objection is also raised with respect of noise generated by the use of the proposed office and allegations that the building is being used to receive deliveries of bulky goods (bathroom / kitchen fixtures and fittings) associated with the applicant's business. This will need to be investigated separately as a planning enforcement investigation.

However, at this stage, officers have requested the applicant removes the balcony & associated outward opening doors, shower, oven/extractor, cupboards, etc so that the building can not be used as a dwelling in the future. This is reflected in the proposed internal layout and will be pursued through the on-going enforcement investigation to ensure that this is achieved. This therefore addresses objections relating to retention of the balcony and ground floor shower.

In order to control the likelihood of noise disturbance associated with movements to and from the site and use of the building itself, a suitable planning condition is also recommended to ensure that it is only used for incidental purposes only and visiting members of the public and commercial deliveries are prohibited.

Although the issue of deliveries and how the garage may be specifically used was not previously considered in detail under application KET/2014/0827, it should now be taken into account in order to address potential noise/disturbance and character of the area issues (discussed in

section 8.3 of this report). A planning condition is therefore also recommended to prohibit use of the building for purposes other than the parking of domestic vehicles or storage of domestic items and that the office not to be used by persons other than those living at the property and that no visiting members of the public frequent the building.

Where noise arises as a result of general occupation of the building associated with its use as a building incidental to the use of the main dwellinghouse, paragraph 163, Section 15 (NPPF) makes it clear that *'the focus of planning...decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes....planning decisions should assume that these regimes will operate effectively....'* As a result, where noise disturbance gives rise to statutory nuisance, these can be dealt with through Environmental Protection legislation.

Other objections received relate to the building blocking light and causing overshadowing across adjoining properties during the summer months, with a clear shadow appearing in late afternoon and early evening due to the height of the building and the pattern of sunlight. The proposed building is located west of no.11 Long Breech; as such overshadowing would be expected in the evenings across part of the garden. However, No. 11 Long Breech maintains unobstructed access to natural light from southeast through to southwest which preserves access to natural light throughout the majority of the day; as a result, whilst the building may obstruct access to natural sunlight and cause overshadowing towards the evening, this is not considered to have a significantly harmful impact on the living conditions of the occupier even though it may not be considered desirable. No. 9 Long Breech which is located further south east (in excess of 20m) is considered far enough away not to be significantly impacted despite views of the sun being affected.

In terms of being overbearing, the proposal has been assessed from no.11 Long Breech which is most significantly affected by the proposal. The building height measures 5.9m tall which is typical of a 1.5 storey building which is the same height as the building considered by Members under application KET/2014/0827. When viewed from within the garden of 11 Long Breech, the building is conspicuous and at close range does have a greater impact than when viewed from other parts of the garden. The occupier of no. 11 Long Breech has planted an evergreen vegetative screen (at their own cost) which undeniably reduces the impact of the proposed building on their residential amenity, however, this may not be retained indefinitely, and there is no capacity within the site to screen the development from the south.

Objection has also been received regarding the use of the composite cladding which increases the reflective glare of the building, increasing its conspicuousness (brightness) and overall harm; although the focus of this comment initially appears to be harm to the character and appearance of the area, it is also directed at harm to residential amenity. It is accepted

that a natural timber cladding would soften the appearance of the building, particularly when viewed from no. 11 Long Breech, however, the key policy consideration is whether the proposal has an unacceptable impact. In this instance, the proposal in its current form with composite cladding does have an adverse impact on the occupiers of 11 Long Breech and lesser harm on neighbours located further away, but it is not considered to be unacceptable harm which would warrant a refusal or conditional control over the materials used in its construction. There is however the potential to insert windows into the southeast elevation or northeast roof plane without the need for planning permission (if the building is approved) which would give rise to significant harm to the occupiers of 11 Long Breech. In order to prevent this, a planning condition is recommended, removing permitted development rights which otherwise enable this.

Subject to this, the proposal is considered to have an acceptable impact on residential amenity and accords with the relevant parts of Section 12 (NPPF) and Policy 8 (NNJCS).

3. Impact on the character and appearance of the area

Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraphs 124 and 127 set out that good design is a key aspect of sustainable development.

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The proposed garage / office building is set back from the highway, close to the southwest boundary which separates the site from the adjacent open space. The main building benefits from a traditional ridge design (with exception of the single storey mono-pitched attached shed) and sits subservient to the main ridge of the existing and neighbouring dwellings, respecting the overall building hierarchy in the area. The red brick and concrete grey tiles respond to the use of materials used in the construction of surrounding development which adopts a limited but semi-homogenous palette of materials. The garage/office building approved under KET/2014/0827 included natural timber cladding which were considered acceptable; in this instance, a composite painted timber effect panel has been used. The external materials used in the construction of the main building (excluding the balcony) are considered acceptable in terms of their impact on the character and appearance of the area despite reservations already made regarding a preference towards a less conspicuous natural timber; the additional mono-pitched lean-to shed which is also finished with composite timber effect panelling remains subservient and in keeping with its surroundings. It is considered that subject to the garage and office

remaining incidental to the main use of the house and no visiting members of the public or trade storage occurring on site, then the use of the building will also be acceptable in terms of its impact on the character and appearance of the area.

Objections have been received regarding the design of the existing balcony and the impact this has on the character and appearance of the street, but this has now been removed from the proposal together with the ground floor shower and is not considered further. In summary, it is considered that the proposal will have an acceptable impact on the character and appearance of the surrounding area subject to conditional control over the use of the building to prevent visiting members of the public or commercial deliveries associated with the business which could otherwise change the character of the site and surrounding area. Subject to this, the proposal accords with the relevant parts of Section 12 (NPPF) and Policy 8 (NNJCS) with in terms of impact on character and appearance.

4. Impact on Parking and Highway Safety

Section 9, paragraph 108(b) (NPPF) states that when considering applications for development, it should be ensured that '*safe and suitable access to the site can be achieved for all users*'.

Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Current Northamptonshire Parking Standards (September 2016) set a requirement for 3 spaces per 4+ bedroomed dwelling and 1 space per visitor across the development.

Due to the site size, there remains sufficient parking for at least 4 vehicles in accordance with Northamptonshire Parking Standards, in addition to the space provided northeast of the access gates to the property and the additional space provided within the office / garage building subject of this planning application.

Although the proposed garage measures 2.84m (w) by 4.8m (d) which falls below the 3.3m (w) x 6m (d) requirements set out within the Northamptonshire County Council Parking Standards (September 2016), the building has already been built out in accordance with accepted standards which applied at the time that planning permission KET/2014/0827 was issued for similar, but materially different building. The Northamptonshire County Council Parking Standard are a material consideration but are not adopted by Kettering Borough Council; as a result, there is not a policy requirement for garages to be a specific size. Notwithstanding this, due to the large plot, the requirement of Policy 8, criteria (b)(ii) is met as the proposed building ensures that in excess of 3 no. parking spaces remain available within the site clear of the highway in

accordance with the aforementioned standards, together with some manoeuvring space; this is in addition to the internal parking space provided by the garage. As a result, whilst the garage building does not meet current parking requirements in terms of dimensions, this is not a key determining factor in this instance due to the available parking provision remaining within the site which is adequate.

Although the site access is located on a bend and within very close proximity of the junction of Lensway / Long Breech, the level and speed of traffic within Mawsley, particularly this part of the village is limited. As a result, the proposed development is not considered to give rise to a significant adverse impact on highway safety in this relatively quiet residential area, and the proposal is considered acceptable in terms of impact on parking and highway safety. Objections relating to impacts on traffic generation and highway safety are material considerations. The fact that commercial deliveries are reported to be regularly made to the building which is the subject of this application which are not related to the domestic / home office use is a concern and use of the building for commercial storage in this location would not be acceptable. This can be investigated further through the planning enforcement investigation and appropriate action taken if necessary. In addition, a condition is recommended to prohibit the use of the building for storage and distribution associated with business use. On this basis, subject to conditions ensuring the building remains incidental to the use of existing dwellinghouse, visiting members of the public and commercial deliveries and storage are prohibited, and the garage is made available for the parking of domestic vehicles, the proposal would accord with the relevant parts of Section 9 (NPPF) and Policy 8 (NNJCS).

5. Overdevelopment

Concerns raised regarding overdevelopment of the site which may result from the grant of planning permission for this application and the pending application KET/2019/0758 (retrospective application for a garage conversion and rear infill extension connecting to side elevation of existing house to create annexed accommodation, and side extension to house and loft conversion) is a material consideration. However, subject to sufficient controls over both applications being in place, it is considered that the site has the capacity to accommodate both proposals without giving rise to unacceptable harm to highway safety, residential amenity or character and appearance of the area.

6. Wildlife and Biodiversity

Section 15 (NPPF) places an emphasis on ensuring that planning decisions contribute to and enhance the natural local environment including protecting the natural environment, including biodiversity and SSSI's.

Open space is located adjacent the site to the west which is designated as a potential wildlife site (LWT). Birch Spinney and Mawsley Marsh SSSI is also located in excess of 300 metres to the north of the site. In both instances, the proposed development falls outside of these designations and does not directly affect them and is considered to be of a scale that would not have an indirect significant impact on their integrity either. Whilst a mature tree was reportedly removed to facilitate the development now being considered, as a retrospective planning application this impact can no longer be assessed as the tree is not present and does not form part of the planning application. It is also noted that the tree was not protected by virtue of a Conservation Area designation or Tree Preservation Order which are reserved for trees of notable value. Whilst these constraints are a material consideration, the proposal is considered acceptable and in accordance with the general approach set out in Section 15 of the NPPF.

Conclusion

The proposal is considered acceptable in principle and in terms of its impacts on residential amenity, character and appearance of the area, parking and highway safety, wildlife and biodiversity and is not considered an overdevelopment of the site. Subject to conditions already discussed, and in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Coleman, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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