

BOROUGH OF KETTERING

Committee	Full Planning Committee - 09/11/2010	Item No: 5.3
Report Originator	Anne Dew Senior Development Officer	Application No: KET/2010/0608
Wards Affected	Queen Eleanor and Buccleuch	
Location	43 Skeffington Close, Geddington	
Proposal	Full Application: Dwelling and garage (alternative proposal)	
Applicant	Mr & Mrs M Harvey	

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. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has 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: To preserve the character of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No development shall take place until details of all proposed hard surfacing within the site has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with these approved details.

REASON: To ensure the use of an appropriate permeable material and in the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The dwelling hereby approved shall not be occupied until the first floor balcony within the rear elevation of number 43 Skeffington Close has been permanently removed and the building made good in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The new elevation shall be retained in that form, as approved, thereafter.

REASON: To protect the amenity of future occupiers in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (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 carried out on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in any first floor elevation or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The roof lights at first floor level on the southern elevation shall be non opening and 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 13 of the North Northamptonshire Core Spatial Strategy.

9. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction/recycling and provision for water efficiency and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

10. 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 shall not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development shall 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 part 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, shall 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 shall 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,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 (referred to in PPS23 as a validation 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 part A, and where remediation is necessary a remediation scheme must be prepared in accordance with

the requirements of part 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 part C.

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 in accordance with PPS23.

11. No development shall take place on site until a scheme for boundary treatment has been 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 the amenities and privacy of the neighbouring property in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

Notes (if any) :-

- This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1 and 3 and Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2010/0103 Single storey dwelling and new garage. Approved subject to conditions.

KET/2009/0335 Single storey dwelling and new garage. Refusal, overshadowing of amenity space provides for poor level of amenity space for dwelling and failure to submit a flood risk assessment.

KET/2007/0615,,Demolition of existing garage, new bungalow with rooms in roof to rear of 43, alteration to existing vehicular access and new vehicular access and garage to no 43. Refusal. Over development, insufficient garden space, lack of separation distance between opposing windows. The proposal included two roof lights, one on the eastern elevation and one on the western elevation. Application was dismissed at appeal as one of the rooflights would overlook a previously private area of garden at no. 42, overlooking into habitable rooms of new dwelling from first floor balcony in place at 43 and lack of amenity space.

KET/2006/0957,,Demolition of existing garage, construction of new bungalow with rooms in roof to rear of 43, and new vehicular access and garage to 43 REFUSED. Out of character with pattern of existing development on Skeffington Close, overdevelopment, lack of private amenity space and detrimental relationship to existing surrounding dwellings. This dwelling had 5 rooflights on 2 roof slopes facing north and south.

KET/2006/0426 Demolition of existing garage, construction of new bungalow with rooms in roof to rear of 43 and new vehicular access and gargae to no. 43. WITHDRAWN. Issues over the size of the site and amenity space. This application had 4 rooflights on the rear eastern elevation.

KET/2005/0085, Outline for erection of a dwelling. Approved. This was an outline applciation with all matters reserved.

KET/2005/0891, Certificate of Lawfulness for a Proposed Operation: Conservatory on rear elevation with dwarf brick APPROVED

KE.95.655 Extension to dwelling hiousse to form covered swimming pool. APPROVED.

KE92/146 First floor extension to rear forming additional bedroom plus larger new bathroom. APPROVED.

Site Description

Officer's site inspection was carried out on 24/09/2010

The site comprises a detached dwelling surrounded by further residential properties of varied character and appearance. The area is characterised by linear, street fronting development along both Skeffington Close and New Road to the east. Back land development is evident directly adjacent to the proposed site and accessed from New Road.

Land levels are relatively consistent within the site though the adjacent bungalow stands on slightly elevated land as do numbers 42 and 43 Skeffington Close.

Proposed Development

The scheme is for a dwelling with habitable accommodation in the roof space located to the rear of number 43 Skeffington Close. The roof space will accommodate bedrooms and bathrooms in the roof space which will be served by five roof lights. Vehicular access to the site will be from Skeffington Close and two car parking spaces will be provided as part of the development.

The scheme also includes a new single detached garage that will serve number 43 Skeffington Close and this will be served by a new vehicular access from Skeffington Close.

Any Constraints Affecting The Site

None.

4.0 Consultation and Customer Impact

Geddington Parish Council

Objection. Creates a precedent. Negative impact on properties in relation to privacy.

Environment Agency

No Objection.

Environmental Health

No objection. Standard contamination condition required.

Neighbours 2 neighbour representations received. Objections on the grounds of:-

- over development of already developed land
- loss of privacy
- loss of light
- dangerous precedent of infilling of houses between Skeffington Close and New Road

5.0 Planning Policy

RA3. Rural Area: Restricted Infill Villages

National Policies

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG13 – Transport

PPS23 – Planning and Pollution Control

PPS25 – Development and Flood Risk

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 7 – Delivering Housing

Policy 9 – Distribution and Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

Local Plan

Policy RA3. Rural Area: Restricted Infill Villages

SPGs

Sustainable Design (February 2009)

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Background/ Principle of Development
2. Design. Character and Appearance
3. Amenity
4. Environmental Matters
5. Flood Risk
6. Parking and Highways
7. Sustainable Design and Construction

1. Background/ Principle of Development

PPS3 seeks to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Geddington falls within the Rural Area defined by the Core Spatial Strategy. The village benefits from a reasonable level of services and as such is considered an appropriate location for small scale residential development.

Saved policy 3 of the Local Plan for Kettering Borough categorises Geddington

as a Restricted Infill Village within which planning permission will be granted for residential development subject to the proposal falling within the village limits, for which the development is and being appropriate in size, form, character and setting.

The principle of residential development on this piece of land has already been established under planning permission KET/2010/0103 for a bungalow on the site. The layout, access, and garage details of the proposed dwelling are identical to that approved under KET/2010/0103, the only addition is the accommodation of bedrooms and bathrooms in the roof space and the incorporation of seven lights in the form of two roof lights on the northern elevation and five roof lights on the southern elevation. An assessment of the planning implications of these changes is considered below.

2. Design, Character and Appearance

The area is characterised by linear, street fronting residential development made up of varied house types. Both Skeffington Close and New Road predominantly consist of detached and semi detached dwellings within generous plots and defined by regular spacing between properties. While back land development is not a common feature, a bungalow has been built on land immediately to the south of the site and accessed from New Road. The design and layout of the bungalow and garage were considered under planning permission KET/2010/0103 not to have any significantly detrimental impact on the character of the area given its modest scale and set back location.

The only alterations proposed to the dwelling incorporate 2 roof lights to the northern rear elevation of the dwelling and five roof lights on the southern front elevation. It is not considered that the incorporation of these roof lights will detract from the overall appearance of the dwelling and further to this, given the siting of the dwelling, public views of the north and south elevations of the dwelling will be very limited. It is therefore considered that the design of the proposed dwelling is appropriate to its context and in accordance with the requirements of policy 13(h) of the North Northamptonshire Core Spatial Strategy.

3. Amenity

It was considered under planning permission KET2010/0103 that the single storey dwelling and single storey garage, subject to conditions, would not result in any adverse levels of overlooking, overbearing impact or overshadowing. The applicant demonstrated with the submission of a Sunlight and Daylight Report that the dwelling and associated amenity space could provide for acceptable living conditions for any future occupiers of the dwelling. To overcome issues of overlooking between the site and the first floor balcony in place on the rear elevation of number 43 Skeffington Close, on the applicants suggestion, a condition was attached to planning permission KET/2010/0103 that the balcony is removed prior to occupation of the new dwelling. Such a condition would also be necessary under the current application.

The current application proposes habitable accommodation within the roof

space of the dwelling. Two lower level roof lights are proposed on the northern rear elevation of the dwelling which will each serve a bedroom. The proposed roof lights will be inserted at a height above finished floor level of 1050mm and at a level that full views outside will be obtainable. Given the separation distance of these windows and their juxtaposition with the private amenity space to number 42 Skeffington Close, only oblique views of the north eastern corner of the garden will be obtained. The two windows will be located within 1 metres of the shared boundary with number 9 New Road and will look directly into the western most part of the rear garden of the dwelling. Whilst overlooking will result in this section of the garden, given that these properties have long gardens, these windows will not look into the dwelling or the most private amenity serving this dwelling.

Five roof lights are proposed on the southern elevation of the dwelling, the eastern most roof light will serve an en-suite whilst the remaining four will serve bedrooms. These roof lights will be inserted at a height above finished floor level of 1550mm. Three of these windows will look directly towards the northern gable end of no. 5a New Road which has a ground floor secondary lounge window and bedroom window in place. It is considered that these roof lights would give rise to some potential for overlooking and the perception of being overlooked. To avoid this issue a condition has been recommended that these windows be fixed and obscure glazed. This would not affect the amenity of any future residents of the property given the two bedroom windows are already each served by windows on the northern elevation.

4. Environmental Matters

Due to the underlying geology present across the county which commonly presents high levels of naturally occurring arsenic and the sensitive end use being proposed, a condition would need to be attached to any planning permission requiring a contamination investigation followed by any necessary remediation.

5. Flood Risk

The application site is located outside areas considered to be at risk of flooding. The Environment Agency have been consulted on the scheme and raised no objection.

6. Parking and Highways

No changes are proposed in the current scheme to the parking and vehicular access details approved under KET/2010/0103. The existing vehicular access serving number 43 will serve the proposed dwelling and an additional vehicular access will be provided to serve number 43 Skeffington Close. The existing access would not be intensified, remaining in use to serve a single residential development and is thus considered acceptable and the proposed vehicular access serving number 43 Skeffington Close is considered to be acceptable providing sufficient width and visibility. Adequate turning, parking and manoeuvring space can be provided for both dwellings. Details of hard standing can be secured by condition. The scheme therefore raises no adverse highway safety implications and is in accordance with policy 13(d) of the North Northamptonshire Core Spatial Strategy.

7. Sustainable Design and Construction

Policy 14 of the North Northamptonshire Core Spatial Strategy requires that development meets the highest viable standards of resource and energy efficiency and reduction in carbon emissions. Schemes should demonstrate techniques of sustainable construction and energy efficiency, provision for waste recycling/ reduction and provision for water efficiency and recycling. The submitted Planning Statement provides some information in this regard but this is largely constrained to general principles to be adopted rather than specific measures to be incorporated within the development. To ensure that the requirements of condition 14 are

achieved as part of the development, a condition is required to secure additional information and implementation.

Conclusion

Subject to conditions, the scheme is in accordance with national and local policy. The scheme is of an acceptable design, will have no significant impact on residential amenity and raises no adverse highway safety implications.

Background Papers

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

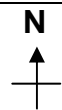
Date:

SITE LOCATION PLAN

43 Skeffington Close, Geddington
Application No.: KET/2010/0608



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