

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/06/2012	Item No: 5.7
Report Originator	Louise Haggan-Craig Development Officer	Application No: KET/2012/0169
Wards Affected	Slade	
Location	Medley House, Mawsley Lane, Loddington	
Proposal	Full Application: 1 no. dwelling	
Applicant	Mr P Scoular	

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. 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 (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 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: 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 13 of the North Northamptonshire Core Spatial Strategy.

4. 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, D, E, F, G of Part 1 of Schedule 2 of the Order shall be made on the application site.

REASON: In order to help control and protect the design of the development and protect amenity levels for the neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any 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 in accordance with policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. 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 accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Prior to the first occupation of the development hereby permitted the means of access shall be a maximum width of 3.5 metres and shall be paved with a hard bound surface for the first 5 metres from the highway boundary. The maximum gradient over

the 5 metre distance shall not exceed 1 in 15.

REASON: In the interests of the character of the local area and highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. 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 and 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, providing resilience to future climate change and sustainable construction in accordance with Policy 2 of the East Midlands Regional Plan and Policy 14 of the North Northamptonshire Core Spatial Strategy.

9. The development hereby permitted shall not be carried out other than in accordance with the amended plan numbers:

9068 L.15 Rev B received 1st May 2012

9068 L.16 Rev B received 1st May 2012

REASON: To define the terms of the permission in the interests of design and amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. The windows serving en-suites, bathrooms and dressing rooms on the rear and side elevations shall be glazed with obscured glass (no less than privacy level 4 Pilkington Standard or equivalent) and shall be permanently retained in that form thereafter.

REASON: To protect the privacy of the neighbouring property 'Woodlands' and to prevent overlooking in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

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 Section 6, 7 and 11 of the National Planning Policy Framework, Policy 1 and 2 of The East Midlands Regional Plan, Policies 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy and saved Policy RA3 of the Local Plan for Kettering Borough. There

are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KE/98/0648, Erection of Conservatory at first floor (Approved)

KE/97/565, Dwelling (Approved)

KE/97/0411, Dwelling (Withdrawn)

KE/94/0700, Reserved Matters: Dwelling (Approved)

KE/94/0012, Outline permission: Dwelling (Approved)

KE/89/0327, Two dwellings and garages (Approved)

KE/88/1170, 4 detached houses (Approved)

Site Description

Officer's site inspection was carried out on 11th April 2012.

This application site is situated to the south western side of Loddington Village within the confines of the settlement boundary. It is located off Mawsley Lane which is a narrow road serving a limited number of properties, a playing field and local play area. The development site comprises existing garden land to the south western side of Medley House.

Proposed Development

This proposal is for the development of a two storey, four bed, detached dwelling within the garden land of Medley House.

Any Constraints Affecting The Site

None.

4.0 Consultation and Customer Impact

Loddington Parish Council

No comments received.

Environmental Health Kettering Borough Council

Response received 26th March 2012. No objection subject to the inclusion of a contaminated land investigation condition.

Neighbours

Objection letter received from The Woodlands dated 7th April 2012. Summary of concerns:

- The proposed development is a substantial dwelling that is larger than the donor dwelling in terms of height, scale and massing.
- The design of the building fails to contribute to any local distinctiveness that exists in the area.
- The ridge height of the building is too large.
- The development would be too prominent and dominant.
- The hardstanding to the front of the area is excessive and out of character.
- The creation of a new vehicular access would harm the character of

Mawsley Lane.

- There is no local distinctiveness or reference to the donor property.
- The loss of trees on the site would impact upon privacy levels for the Woodlands.
- The roof form is excessive.
- The Woodlands outlook would be severely compromised by the proximity and size of the building.
- The development would be overbearing and result in a loss of light.
- The trees in this area have an amenity value, this character would be lost by the removal of the trees on site.
- The proposal fails to accord with saved Policy RA3 of the Local Plan for Kettering Borough.
- It would cause demonstrable harm to the character of the area and amenities of the occupiers of the Woodlands.

5.0 Planning Policy

National Planning Policy Framework

Section 6 – Delivering a wide choice of quality homes

Section 7 – Requiring Good Design

Section 11 – Conserving and Enhancing the Natural Environment

Development Plan Policies

East Midlands Regional Plan

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

North Northamptonshire Core Spatial Strategy

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

Local Plan

RA3. Rural Area: Restricted Infill Villages

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 and Character
3. Amenity
4. Trees
5. Access
6. Environmental Considerations

7. Sustainable Construction

1. Principle of Development

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 policy RA3 of the Local Plan for Kettering Borough is a restrictive policy which states that planning permission will only be granted for residential development where the proposal:

- Is within the defined Village limits
- Is appropriate in terms of size, form, character and setting of the Village
- Does not involve the development of open land.

Policy 10 of the North Northamptonshire Core Spatial Strategy states that limited development will be permitted within the Villages of Kettering Borough. Specifically Table 5 provides an indicative housing requirement of 1640 for the rural area of Kettering between 2001 and 2021.

The application site is contained within the defined Village limits of Loddington and although the land used for the proposed development is not defined as previously developed land within the NPPF, there is no local policy which restricts garden land development particularly where it is deemed to be appropriate in terms of size, form and character. As such the application is considered to accord with the requirements of both national and local planning policy and is considered to be an acceptable development in principle.

2. Design and Character

The local vicinity comprises a diverse mix of property styles and types ranging from single storey bungalows to two storey post war and modern detached properties. It is considered that in terms of design there is no specific architectural style required for the proposed dwelling in order for it to be considered in keeping with the surrounding context. Paragraph 60 of the National Planning Policy Framework states that 'planning policy should not attempt to impose architectural styles and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'. In this case, the modern design proposal is considered to contribute positively to the variety of properties and styles prevalent along Mawsley Lane.

Part of the prevailing character along Mawsley Lane includes vegetation/screening along the highway boundary which shields the properties from direct view of the Lane. The character comprises 'glimpses' of buildings/gardens through a landscape buffer fronting the highway with important spaces/visual gaps between neighbouring sites. The proposed dwelling will be set back from the highway and will be screened by both existing and proposed vegetation. This will help to retain the local distinctiveness within this part of Loddington Village.

Since the original submission a significant number of changes have been made

to the dwelling in terms of size, scale and position in order to better reflect the character of the area and for it to be an acceptable form of infill development in accordance with the requirements of saved policy RA3 of the Local Plan for Kettering Borough. The amended scheme comprises a two storey dwelling with two gable fronted elements forming the principal elevation of the property. Even with the reduction in footprint and height, it is accepted that the proposed dwelling is a large building. However, its position and angled design retains a large amount of space around the property, includes a large rear garden and provides for an adequate frontage which includes hard standing for the parking and turning of vehicles. Most importantly, due to a reduction in the overall width of the proposed dwelling the building will retain 'visual gaps' between neighbouring sites which is a key characteristic for properties situated along Mawsley Lane and will help to reinforce this local distinctiveness.

3. Amenity

A letter of objection has been received from the neighbouring property 'Woodlands' which shares a boundary with the application site. A summary of their main concerns is outlined above. In amenity terms, it is accepted that the development of this land will have an impact upon the Woodlands property particularly with respect to outlook. To what extent this proposal will impact upon amenity levels is considered below.

The applicant has worked with the local planning authority in order to try and alleviate the concerns raised by the objector. A list of the main changes to the proposed development is as follows:

- Removal of detached garage from the frontage of the site and narrowing of entrance to Mawsley Lane to 3.5m.
- Relocation of the building footprint (southwards) in order to create greater space between the eastern and western boundaries (approx 3 metres and 4.8 metres respectively).
- Lower overall ridge height to the roof of the gables.
- First floor south and west elevation serving bedroom 4 – omitted.
- Flat roof single storey element revision to south and west elevation (nearest to the Woodlands).
- Building line brought forward to create better separation distance between the development and the Woodlands.

All these changes have resulted in an alteration to the overall footprint of the dwelling which lessens its direct impact upon the Woodlands property. The separation distances are such that the revised two storey element forming part of the western elevation of the proposal is at least 16 metres from the nearest first floor habitable room window of the Woodlands (bedroom window nearest the garage building). The distance from the proposal to the principal elevation of the Woodlands is now at least 18 metres. These distances are considered to be acceptable with respect to issues of an overbearing nature. In terms of privacy, due to the angular design of the proposed development none of the windows to the side and rear of the development will face directly towards the Woodlands property. It is accepted that the dwelling proposes a large amount of glazing, however, the first floor rear elevation of the proposed dwelling includes windows which are all for non habitable rooms/areas e.g. hallways,

bathrooms and dressing rooms. As such overlooking will be minimal. In addition to this point, a condition will be added to ensure that dressing rooms and bathrooms/en-suites windows comprise obscure glazing.

The Woodlands is situated to the north west of the application site. Given the reductions in the scale of the proposed western elevation it is considered that the proposal will not adversely impact levels of light to such an extent that a reason for refusal could be upheld on these grounds. Although it is accepted that outlook will be affected for this neighbour, overall, the development is not considered to be overbearing, does not compromise privacy to an unreasonable extent and will not result in loss of light due to the spaces and distances created as a result of the amendments. As such the revised proposal is now considered to accord with Policy 13 of the North Northamptonshire Core Spatial Strategy in amenity terms. In order to further alleviate issues related to outlook, it is recommended that boundary treatment and landscaping conditions be attached to the planning decision and particular thought given to the south and western boundaries of the development site by the applicant.

4. Trees

The objection letter received by the occupiers of the Woodlands has also raised concerns about the loss of trees as a result of the proposed development. This part of Loddington is not contained within the Conservation Area and the site does not contain protected trees as part of any Tree Preservation Order. As such the owner of the site is able to fell any tree on site without the need for consent from the local planning authority. Having assessed the quality of the trees, although they provide amenity value and aid privacy they are not worthy of preservation.

5. Access

Access into the site will be from a new entrance directly off Mawsley Lane. The access width has been reduced as part of the amendments to the planning application from 4.5 metres to 3.5 metres. The development provides off road parking for up to three cars with turning provision on site. The reduction in access width is deemed acceptable and will help to maintain the rural character of the area and retain as much of the landscape buffer along the frontage of the site as possible. In addition to this because the turning provision on site allows cars to exit in a forward direction, it is considered that the reduced width will not adversely impact upon highway safety considerations and as such accords with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Environmental Considerations

The underlying geology of the Northamptonshire area exhibits high levels of naturally occurring arsenic and vanadium. A condition is therefore attached which requires investigation and remediation measures prior to commencement of development in accordance with Section 11 of the NPPF.

7. Sustainable Construction

Policy 14 of the Core Spatial Strategy states that development should meet the highest viable standards of resource and energy efficiency and reduction in

carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency. Although details have been provided as part of this application, in this instance it is considered that further information is required in order to satisfy the requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy. As such a sustainable construction methods condition is recommended to be attached as part of any planning decision if the application is approved.

Conclusion

Overall, the proposed changes to the design and scale of the building is considered to accord with Development Plan Policy. There are no other material considerations to warrant refusal of this application and subject to the imposition of conditions this application is recommended to Members for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Louise Haggan-Craig, Development Officer on 01536 534316

SITE LOCATION PLAN

Medley House, Mawsley Lane, Loddington
Application No.: KET/2012/0169



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