

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 19/11/2013</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>D Law Development Officer</b>	<b>Application No: KET/2013/0590</b>
<b>Wards Affected</b>	<b>Ise Lodge</b>	
<b>Location</b>	<b>28 Berwick Way, Kettering</b>	
<b>Proposal</b>	<b>s.73 Application: Removal of condition 6 of KET/1995/0296, in respect of conversion of garage to habitable room</b>	
<b>Applicant</b>	<b>Mr T Stockley</b>	

### **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

1. NONE

## **Officers Report for KET/2013/0590**

This application is reported for Committee decision because the applicant or agent is a member of KBC staff or their spouse/partner.

### **3.0 Information**

#### **Relevant Planning History**

KET/1995/0296 - Erection of 17 dwellings with roads, sewers & all ancillary works (substitution of 17 units previously approved). Approved 27/06/1995.

KET/2002/0790 - First floor rear extension Approved 11/11/2002.

#### **Site Description**

Officer's site inspection was carried out on 24/09/2013. This application site lies to the south of the town of Kettering, within the town boundary of Kettering. The application property is a reasonably sized detached property set centrally within a moderate sized plot. The garage forms part of the property's principal elevation. The house is brick built of modern construction dating to the late 1990s to a traditional design of a pitched roof and front gable feature. The attached garage is immediately to the south and there is additionally a hard standing area for up to 2 cars.

#### **Proposed Development**

Removal of condition 6 of KET/1995/0296, to allow conversion of part of the garage to habitable room.

#### **Any Constraints Affecting the Site**

None

### **4.0 Consultation and Customer Impact**

#### **Neighbours**

None received

### **5.0 Planning Policy**

#### **National Planning Policy Framework**

Policy 7 – Requiring Good Design

#### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy**

Policy 13 – General Sustainable Development Principles

### **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development and Highways
2. Conditions of KET/1995/0296

### **1. Principle of Development and Highways**

Section 73 of the Town and Country Planning Act 1990 allows for applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Condition 6 was attached to planning permission KET/199/0296 to ensure that satisfactory access, parking and manoeuvring facilities are provided in the interests of highway safety and convenience of highway users. The condition stated:

*Before the development hereby permitted is brought into use, the vehicular access, parking and manoeuvring facilities indicated on the approved plans shall have been provided and shall, thereafter, be permanently set aside and reserved for such purposes.*

*Reason: To ensure that satisfactory access, parking and manoeuvring facilities are provided in the interests of the safety and convenience of users of the adjoining highway.*

This application seeks to remove this condition to allow part conversion of the garage to a habitable room. Policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy requires that development provides a satisfactory means of access and adequate provision for parking. The application site benefits from an area of hard standing suitable for parking two cars immediately in front of the garage. If the garage is partially converted there will be a reduction of car spaces from 3 to 2 which is still considered sufficient for a dwelling of this size and is in accordance with policy (d) and (n) of policy 13 of the North Northamptonshire Core Spatial Strategy.

### **2. Conditions of KET/1995/0296**

As a section 73 application in effect creates a new planning permission, deliberation has to be given to those conditions attached to the original permission. Conditions 1-6 attached to this permission were all pre-commencement conditions so are not relevant and therefore will not be reattached.

## **Conclusion**

Removal of the condition is not considered to result in any material impacts and the condition is not considered to be necessary. The proposed is in accordance with Policy 13 of the CSS and there are no material considerations that outweigh this.

**Background  
Papers**

Title of Document:

Date:

Contact Officer:

**Previous Reports/Minutes**

Ref:

Date:

D Law, Development Officer on 01536 534316