

BOROUGH OF KETTERING

Committee	Full Planning Committee - 29/10/2013	Item No: 5.7
Report Originator	Alison Riches Development Officer	Application No: KET/2013/0634
Wards Affected	St. Michaels and Wicksteed	
Location	11 Netherfield Road, Kettering	
Proposal	Full Application: Redevelopment of site to provide 5 no. dwellings	
Applicant	Mr B Haddon	

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 following plans, received by the Local Planning Authority on the following dates:-

Site Layout Plan 2223/1 received 25/09/2013.

Site Development Plan 2223/2 received 25/09/2013.

Plot 1 drawing 2223/3 received 04/10/2013.

Plot 2 drawing 2223/4.2 received 04/10/2013.

Plot 3 drawing 2223/4.3 received 04/10/2013.

Plot 4 drawing 2223/4.4 received 04/10/2013.

Plot 5 drawing 2223/4.5 received 04/10/2013.

REASON: To define the permission and to ensure that the development is carried out satisfactorily in accordance with the approved plans in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Due to the underlying geology present throughout Northamptonshire at which the levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health would be considered acceptable for residential use (with and without plant uptake) it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out:

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 conditions 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,
 - ground waters 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'.

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 and policy 11 of the National Planning Policy Framework.

4. 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.

5. Prior to commencement of development, full details and drawings of measures to protect the root systems of retained trees within the site, or those at the site boundary both within and outside the site, during and after construction, shall be submitted to and approved in writing by the Local Planning Authority. The proposed measures shall include details of temporary fencing to be used under the canopy of the trees. Throughout the whole construction period there shall be no works carried out or storage of any materials of any description within the temporarily fenced of canopy area. The works should be carried out in accordance with all relevant provisions of BS 5837:2012 British Standard Construction in relation to Trees to secure good arboricultural practice

REASON: To ensure the continuity of amenity value afforded by the trees, to ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root systems in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The dwellings shall not be occupied until the adjoining brick screen wall along the boundary with No.9 Netherfield Road has been erected at 2 metres high in accordance with the details shown on the approved plan drawing number 2223/2 received by the Local Planning Authority 25/09/2013.

REASON: In the interests of the amenities of the adjoining property at No.9 Netherfield Road in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. 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 13 of the North Northamptonshire Core Spatial Strategy.

8. 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 and E of Part 1 of Schedule 2 of the Order shall be erected on the application site.

REASON: In the interests of the privacy and amenities of adjoining properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. 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 Class A shall be made in the first floor elevations of Plots 2, 3, 4 and 5 and, no additional openings permitted by Schedule 2, Part 1 Class C shall be made in the west roof plane of Plot 1.

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

10. The first floor south elevation windows to plots 2 and 5, and the first floor northwest elevations to plots 3 and 4 shall be non-opening and obscure glazed and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of adjoining properties and to prevent overlooking in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. The development hereby permitted shall not be first occupied, or the use of the proposed new access commenced, whichever is the sooner, until the existing vehicular access from the site to the highway has been removed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety, and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. The garages, parking spaces and turning area shown on the approved plans shall be provided on site prior to the first occupation of the development, and retained at all times only for the parking of motor vehicles.

REASON: To ensure that adequate on-site parking is available to serve the development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. No development shall take place on site until details of the width, alignment, gradient, sight lines and type of construction proposed for the new access, and the method of disposing of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby permitted is commenced, or the buildings first occupied, whichever is the sooner.

REASON: To ensure that the roads are constructed to a satisfactory standard in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. 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 not be carried out other than in accordance with the approved details.

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

15. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2013/0634

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

3.0 Information

Relevant Planning History

KET/2013/0483. Renewal of Extant Permission (Full): KET/2010/0808 (Proposed Residential Development). Returned 18/09/2013.

- Due to the date of the grant of permission for KET/2010/0808 falling outside the conditions and limitation as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010, the application could not be considered for renewal.

KET/2010/0808. Renewal of Extant Permission (Full): KET/2008/0026 (Proposed Residential Development). Approved 10/02/2011.

KET/2008/0026. Residential development. Approved 11/03/2008.

KET/2007/0782. Demolition of existing bungalow and construction of 1 no. bungalow and 4 no. two-storey houses. Withdrawn 19/10/2007.

KET/2005/1135. Outline permission for three detached dwellings. Refused 08/02/2006.

- The access was from Rosemount Drive and the site did not include the land or dwellinghouse occupying the site of No.11 Netherfield Road.

Site Description

Officer's site inspection was carried out on 09/09/2013.

The application site is an extensive, irregularly shaped heavily landscaped plot to the southeast of Kettering Town Centre. The plot contains a single storey dwellinghouse on a double width plot at No.11 Netherfield Road and its associated land together with land behind the dwellinghouses at Nos. 5/5a, 7 and 9 Netherfield Road. The whole site measures approximately 0.25 hectares in area, is within the ownership of No.11 Netherfield Road and serves as its rear garden. There are no significant differences in the contours of the site, as the land rises gradually in an eastward direction.

The existing detached hipped roof single storey dwellinghouse at the site was built in the mid 1950s with a single detached garage to its west and is set back from the regular building line of the neighbouring dwellinghouses, all of which are two-storey semi-detached dwellinghouses built in the 1930s/1940s.

Opposite the application site, the dwellinghouses are predominantly single storey.

To the south of the application site is infill development of 21 dwellinghouses off Lewis Road built in the mid 1990s.

Proposed Development

The proposal is for full planning permission for the redevelopment of the site for 5 no. dwellinghouses. Plot 1 is a single storey dwellinghouse and plots 2 -5 are two-storey dwellinghouses.

The existing single storey dwellinghouse at No.11 Netherfield Road will be demolished to allow for the provision of a shared private drive with a turning head and clearance area. Plots 1 to 4 would be served by a tandem garage block and driveway while Plot 5 would be served by a single detached garage and driveway.

The scheme is identical to that originally approved under reference KET/2008/0026 on 11th March 2008, and renewed by KET/2010/0808 on 10th February 2011.

Any Constraints Affecting the Site

Recently designated as within the Nene Valley Nature Improvement Area Boundary.

4.0 Consultation and Customer Impact

Highway Authority

- No objection.
- Content the details submitted are nigh on identical to those submitted in 2008 and for the subsequent renewal application.
- Conditions 10, 11, 12 of the permission granted under KET/2008/0026 and the subsequent renewal to be applied should this application be permitted.

Environmental Health

- No objection.
- Contaminated land condition requested.
- Working hours for construction sites condition requested.
- In terms of noise, the proposed development will lead to an increase in the general background level of noise to be expected in line with the normal activities associated with extra housing in an area where there was none previously, but that this will not be to an unreasonable level

Noise generated by construction traffic at the site is dealt with through Environmental Health legislation and is not a material planning consideration.

Northamptonshire County Council Archaeology

- Finds indicating Roman funerary activity have been found in Wicksteed Park, southeast of the site.
- The application site also lies in an area identified as part of the Saxon settlement of Cytringham. There is therefore the potential for remains of archaeological interest to survive on the site.
- An archaeological condition is requested.
- The proposed development will have a detrimental impact upon any archaeological deposits present. This does not represent an over-riding constraint on the development provided adequate provision is made for the investigation and recording of any remains that are affected.

Neighbours

3 Rosemount Drive

- Objection.
- Building 4 four bedroom houses as well as a bungalow on this plot of land will infringe on our current level of lifestyle by increasing our current noise pollution to an unreasonable level when compared to our current situation.
- There are currently many trees and shrubs bordering our property with additional ones planned. The current owner maintains these to a good standard, but once the development is built this proposed screening will be maintained on a less regular basis causing our light levels to be diminished.
- Do not object in principle but feel that this quantity of large houses on such a limited plot is absolutely unreasonable and no matter what screening is used our privacy will be violated.

320 London Road

- Objection.
- 5 detached dwellings, roads, garages and parking areas on this location are far too many for the size of this site and would appear to be overdevelopment.
- The two-storey houses will be intrusive and overlook many existing properties, depriving them of their privacy.
- The roadways and gardens appear very small and not in keeping with the type of development.
- The buildings of plots 2 and 5 are particularly close to the boundary of properties in Rosemount Drive.
- For plot 5 it states that an existing pedestrian access onto London Road would be available for refuse collection. Although there is an access it opens into a private drive which is used by vehicles to the garages of these properties and there is no space near London Road for extra bins to be placed.
- The access has always been locked and if allowed to be open there would be a risk to security to the properties both on London Road and the proposed development.
- The roundabout at the Pytchley Road/London Road junction is already a no-go area at peak times. The additional vehicles coming from the proposed development could create a total standstill and holdup to all the traffic into and out of town.

Save for an inserted sentence, this letter of objection is identical to letters submitted for the approved application under reference KET/2008/0026 and its renewal under reference KET/2010/0808.

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

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution & Location of Development

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan for Kettering Borough

35. Housing: Within Towns

Supplementary Planning Documents

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The Principle of Development.
2. Character and Appearance.
3. Residential Amenity.
4. Parking and Highway Safety.
5. Contaminated Land.
6. Archaeology.
7. Sustainable Construction and Energy Efficiency.
8. Other issues raised by the proposal.

1. The Principle of Development

The National Planning Policy Framework (NPPF) sets out the core principles for sustainable development which is that the planning system should seek to ensure that places to live are created in locations which adopt high quality design standards, encourage the effective use of previously developed land, and encourage alternative and more sustainable modes of transport other than private cars to access local facilities.

Paragraph 49 states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

The proposed density at the site equates to 20 dwellings per hectare which, when considered against the density of the existing residential development adjacent to the application site, is acceptable in light of the removal of minimum densities from National Planning Policy.

With respect to the Development Plan, the application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan for Kettering Borough, in an established residential area where Policy 35 is supportive of

proposals for residential development in principle.

Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development to existing urban areas and indicating that Kettering is a 'Growth Town' and should provide a focal point for development.

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of new development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

It is therefore considered that subject to satisfactory design, amenity and other material considerations the development is acceptable in principle. This principle is further established by the site's planning history.

An identical scheme to the development proposed, for 1 no. bungalows and 4 no. two-storey dwellinghouses, has already been judged to be acceptable in principle by the grant of full planning permission under reference KET/2008/0026 on 11th March 2008, and following renewal under reference KET/2010/0808 on 10th February 2011.

The renewed application, approved under reference KET/2010/0808, is still extant and can be commenced up to 10th February 2014 and then subsequently built out. This is a significant material consideration in favour of the proposal.

It is therefore considered that subject to the satisfaction of the Development Plan criteria, the principle of development for this site is established.

2. Character and Appearance

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings.

As seen from the wider street scene on Netherfield Road, the local building context is characterised by dwellinghouses with varying building forms/designs (bricked/rendered and coated external facings) and roof forms/profiles (although most of the immediate neighbouring semi-detached dwellinghouses have hipped roofs, with variations overlying other dwelling types in the area). The development at Rosemount Drive to the south has a similar general appearance, but there are also variations in terms of roof profiles, external facings and pattern of fenestration.

Given the above, there is no overriding character for the dwellinghouses in the surrounding area. The dwellinghouses on Plots 2, 3, 4 and 5 would all have the same appearance, and would incorporate hipped roofs, porches to the frontages and single storey side attachments with entrance lobbies.

In terms of the layouts of the dwellinghouses, the single storey dwellinghouse at Plot 1 would be built on the same footprint as that of the existing single detached garage abutting the boundary with No.15 Netherfield Road, in order to maintain an active frontage onto Netherfield Road.

The single storey dwellinghouse would be set in from the boundary with No.15 Netherfield Road by 1 metre, although the garage wall that abuts the boundary with

No.15 will be retained, and capped to a height of 2 metres to form the boundary treatment, and it will have a rear garden depth of 13.4 metres at the farthest point, and an area of 102 square metres.

The dwellinghouses at Plots 2 to 5 would be two-storey and would have a height of 7.4 metres to the ridge. Plot 2 would be positioned almost to the south-west corner of the site, and its rear garden will face No.15 in a westerly direction. It will have a single garage to the north that will be in tandem with a single garage serving Plot 1, with a garden depth of 10 metres at the nearest point, and an area of 112 square metres. The southern side flank elevation of Plot 2 would face the rear garden at No.2 Rosemount Drive and will have three first floor obscure-glazed windows serving a landing and bathrooms. This feature is replicated on the side elevation of Plot 3 which faces the rear gardens of Nos.7 and 9 Netherfield Road; the side elevation of Plot 4 which faces the rear garden of No.5 Netherfield Road; and the side elevation of Plot 5 which faces the rear garden of No.7 Rosemount Drive.

Plots 3, 4 and 5 will have rear garden areas of 123 square metres, 118 square metres, and 175 square metres respectively, with garden depths of 10 metres at the nearest points to the boundaries with No.5 Netherfield Road and Nos.310, 312 and 314 London Road respectively.

It is considered that the design, scale, size and proportions of the window and door openings is such that they would relate well with the character and appearance of surrounding dwellinghouses.

The applicant proposes to retain the existing fence panelling, hedgerows, shrubbery and trees on the boundaries on the site, which is also considered appropriate. Landscaping measures will be also be implemented to the frontage of the single storey dwellinghouse and suitable material for the proposed access and associated driveways.

Given the above, it is considered that the design, positioning and layouts of the dwellinghouses are acceptable and that the spaces provided for amenity and parking purposes are adequate within the coverage of the site and are reflective of the character and appearance of surrounding development and the wider street scene.

As such, subject to the imposition of the relevant conditions relating to materials to be used, landscaping and boundary treatments, the proposed dwellinghouses are considered to be in compliance with policy 13 of the North Northamptonshire Core Spatial Strategy which requires new development to be reflective of its surroundings and be of a good standard of design.

The issue of the character and appearance of this scheme was fully considered for the identical scheme approved under KET/2008/0026 and renewed under KET/2010/0808, which also imposed relevant conditions relating to materials to be used, landscaping and boundary treatments.

3. Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties.

The proposed shared private drive is sited close to the boundary with No.9 Netherfield Road, being 1 metre and 4 metres from the boundary at the nearest and farthest points. The flank wall of No.9 along that boundary (on which there is low-lying wooden fence) has a window and door opening serving a kitchen/dining area.

The occupiers of No.9 Netherfield Road objected to the original proposal on the grounds that the use of the access by cars serving 5 new dwellinghouses so close to their property would result in the generation of noise and nuisance. In mitigation, the applicant proposed to erect a solid brick wall to replace the wooden fence, which would have a width of 0.225 metres to enable the deflection of any noise generated from passing traffic back onto the access which was considered to be acceptable in terms of overcoming any loss of amenity to the occupiers of this property.

Other issues raised against the original proposal related to overlooking, loss of light, outlook, privacy, as well as overbearing and a new objection to this proposal relates to a loss of amenity in terms of noise from the new development.

The single storey dwellinghouse at Plot 1 is approximately 1 metre from the western boundary with the front elevation set back 8 metres from the neighbour at No.15 Netherfield Road. A cross sectional drawing provided by the applicant, shows Plot 1 to be within the shadow line created by the existing garage on the rear garden of No.15, and given that the pitch of the dwellinghouse roof would not be as steep as that of the existing garage, it is considered that due to the path of the sun in relation to the orientation of both the existing and proposed development, there would be no more of an adverse impact in terms of loss of light than that currently existing between No.15 Netherfield Road and the existing garage at the application site.

The side elevations of Plots 2, 3, and 4 are 1 metre from the boundaries with No.2 Rosemount Drive and Nos.5, 7 and 9 Netherfield Road. The side elevation of Plot 5 is 2 metres from the boundary with No.7 Rosemount Drive. Although these four dwellinghouses are two-storey and are close to the boundaries, they have been orientated such that the majority of the fenestration at first floor level faces into the site to overcome any issues of overlooking or loss of privacy.

The rear elevations of plots 2, 3 and 5 face the surrounding neighbours but have three no. obscure glazed windows at first floor level serving two en-suites and a staircase, which are not considered to be habitable rooms. The retention of the obscure glazing and no further openings can be secured by condition. This issue was fully considered for the identical scheme approved under KET/2008/0026 and the renewed under KET/2010/0808, with the imposition of the relevant conditions relating to obscure glazing and no further openings.

The rear elevations of plots 2 and 5 are located close to the boundaries with properties in Rosemount Drive. However, as the proposed dwellinghouses are to the north of the properties in Rosemount Drive and there are obscure glazed

windows at first floor level which will be secured by condition, there will be no loss of daylight, due to the path of the sun in relation to the proposed development, and no loss of privacy due to the imposition of conditions retaining obscure glazing and no further openings.

Plots 2 and 3 have side elevations facing the properties in Netherfield Road and Plots 4 and 5 have side elevations facing the properties in London Road.

The distance of the first floor bedroom windows in the side elevations in relation to the length of the rear gardens, when compared to the length of the rear gardens of the surrounding properties, is considered to be acceptable in policy terms not to lead to any overlooking or loss of privacy for surrounding occupiers, and by the same token for surrounding occupiers not to overlook future occupiers leading to any loss of their amenities.

In addition, in relation to No.3 Rosemount Drive, the turning head to the shared private drive within the application site is opposite this property. Plot 2 will have first floor bedroom windows approximately 18 metres to the northwest of the front elevation of No.3 Rosemount Drive, but due to the angle between the two elevations, the presence of existing landscaping, and the location of a parking area in front of No.3, there is no issue of intervisibility or loss of amenity between the two sets of occupants. This is significantly less than the existing situation of possible overlooking of the rear private amenity space of No.2 Rosemount Drive by the occupiers of No.3 Rosemount Drive.

In terms of the provision of rear amenity space, it is considered that the areas and lengths of the gardens provided for the new dwellinghouses are sufficiently separate from the existing surrounding development in line with the aims and objectives of policy 13 of the North Northamptonshire Core Spatial Strategy. This is further enhanced by the inclusion of 2 metre high boundary fencing between the existing and new development, which can be secured by condition and further conditions can be added to control the construction of extensions and outbuildings.

Other issues raised related to noise, the maintenance of screening and its impact on light levels.

In terms of screening, the existing boundary hedge and 2 metre high wooden panel fence are to be retained along the south boundary of the application site. No.3 Rosemount Drive is to the south of the development, and due to the path of the sun, there will be no change in light levels as a result of any boundary changes.

There are also a number of mature trees on or near the site boundary, both on the applicant's side and within the gardens of neighbouring properties. There are concerns that there may be conflict between the existing tree roots and the foundations of the new dwellings which could lead to either the undermining of the trees and therefore the screening they provide, as well as the undermining of the foundations of the new development. In order to overcome this and retain the boundary screening and therefore the amenities of both neighbouring and future occupiers, a condition will be added to protect the roots of the trees during and after construction.

In terms of noise pollution, the presence of additional dwellinghouses on a site that is currently part of the rear garden of No.11 Netherfield Road, Environmental Health consider that the proposed development will lead to an increase in the general background level of noise to be expected in line with the normal activities associated with extra housing in an area where there was none previously, but that this will not be to an unreasonable level. In addition, the renewed application, approved under reference KET/2010/0808 for the same development, is still extant and can be commenced up to 10th February 2014 and then subsequently built out.

Therefore, with the imposition of suitable conditions ensuring obscure glazing and no further openings, boundary treatment and the control of extensions and outbuildings, it is considered that the amenity issues have been overcome and the proposal is in compliance with policy 13(l) of the North Northamptonshire Core Spatial Strategy which requires new development not to adversely impact on the amenities of neighbouring properties.

4. Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The proposed access is 4.5m wide for the first 10m into the site. Adequate pedestrian and vehicle visibility splays have been provided at the site access in line with the Highway Authority's standing advice, and each dwellinghouse has a garage and an additional parking space within its curtilage.

The Highways Authority has no objections to the scheme subject to the imposition of the same conditions on the previously approved applications.

In addition, the renewed application, approved under reference KET/2010/0808 for the same development, is still extant and can be commenced up to 10th February 2014 and then subsequently built out.

The proposed access and driveway therefore accords with the aims and objectives of policy 13(n) of the North Northamptonshire Core Spatial Strategy.

5. Contaminated Land

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site will be necessary to assess the extent of contamination which will then inform a remediation scheme.

This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with paragraphs 109 and 121 of the NPPF which requires development

to enhance the local environment by remediating and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990.

6. Archaeology

The application site was previously open fields and has been identified as part of the Saxon settlement of Cytringham. Roman Funerary activity has also been found in Wicksteed Park to the southeast. As such, there is the potential for remains of archaeological interest to survive on the site and Northamptonshire County Council Archaeology has requested a condition be added for an archaeological programme of works to be carried out.

7. Sustainable Construction and Energy Efficiency

Policy 14(b) of the North Northamptonshire 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 and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

The submitted information does not give sufficient detail to adequately demonstrate that the development is sustainable in respect of location, design, construction, materials, waste management and energy and water efficiency. As such, a condition will be added requiring details of sustainable construction to be demonstrated in accordance with policy 14(b) of the North Northamptonshire Core Spatial Strategy.

8. Other Issues Raised by the Proposal

Right of Access from Plot 5 to London Road

A right of access is a civil matter and its continued agreement or removal will pass to the new owner of plot 5, to be agreed with the owner of the access, all of which is outside the scope of this planning application.

In addition, the right of access was included in original approval under reference KET/2008/0026 and in the renewed application, approved under reference KET/2010/0808 for the same development. The permission granted for the renewed application is still extant and can be commenced up to 10th February 2014 and then subsequently built out.

Conclusion

The submission of this application has raised the same material planning considerations taken into account in determining the previous planning application under reference KET/2008/0026 which was subsequently renewed under KET/2010/0808. In addition, the permission granted for the renewed application is still extant and can be commenced up to 10th February 2014 and then subsequently built out. KET/2010/0808 and is a significant material consideration in favour of the proposal.

Subject to the imposition of relevant conditions as detailed in the above report, it is considered the proposal complies with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: