

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/05/2016	Item No: 5.4
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2016/0172
Wards Affected	St. Michaels and Wicksteed	
Location	116 London Road (land adj), Kettering	
Proposal	Full Application: Demolition of garage and erection of 3 no. detached dwellings	
Applicant	Mrs D Zhang	

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 approved plans and details shown on approved drawings detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The development shall be carried out in accordance with the recommendations at R1, R2, R4, R5 and R6 in the Preliminary Ecological Assessment (Ref@ RT-MME-116794-01 April 2014) at R1 and R2 in Section 6, page 10 of the Nocturnal Emergence and Dawn Re-entry Bat Surveys (Ref: RT-MME-116843-01 June 2014) provided by Middlemarch Environmental Ltd. which were approved as part of planning permission KET/2014/0098.

REASON: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in 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: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place on site until full architectural details of all windows and doors (and their surrounds), verge, eaves, chimney and other brick detailing and rainwater goods 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: Details are required prior to commencement of development in the interests of visual amenity and in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. 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:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o 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 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.

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.

REASON: A contamination survey is required prior to development commencing to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation (WSI) and a timetable for that work. The development shall thereafter proceed in accordance with the approved WSI and timetable.

REASON: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 12).

8. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 7 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited

REASON: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 12).

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme of construction lighting to prevent light overspill; and delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: In the interests of residential amenities and details of measures to prevent spoil or mud being deposited on the highway are necessary prior to the commencement of development in the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. Prior to first occupation of the dwellings a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and details of hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. 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.

11. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be 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 scheme.

REASON: Details for the provision of surface and waste water drainage are necessary prior to commencement of development to prevent pollution of the water environment in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

12. Prior to occupation of the dwellings a scheme to ensure that surface water from the access does not discharge onto the highway shall be provided and the access gradient into the site shall not exceed 1 in 15 for the first 5 metres from the highway boundary shall be provided and retained in perpetuity. Any gates provided shall be set back a distance of 6 metres from the edge of the adjoining highway and shall be hung so as to open inwards into the site only. Pedestrian visibility splays of 2m x 2m with nothing above 0.6m within this splay at the access toward the east shall be installed prior to occupation of the dwellings and retained in perpetuity.

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

13. No development shall commence on site until details of a scheme for a bin storage area close to the highway have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: Refuse details are necessary prior to the commencement of development in the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

14. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: In the interest of residential amenity and policy 13 of the North Northamptonshire Core Spatial Strategy.

15. The development hereby permitted shall not be occupied, until the vehicle parking spaces and turnings areas have been constructed and surfaced in accordance with the approved details, and those spaces and turning areas shall thereafter be reserved for the parking and turning of vehicles.

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

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the north or south elevations or roof planes of the dwellings.

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.

17. The windows shown as being glazed with obscured glass on the approved plans shall also be non-opening below an internal floor level height of 1.7m and thereafter shall be permanently retained in that form.

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

18. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class B of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

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

Officers Report for KET/2016/0172

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

3.0 Information

Relevant Planning History

KET/2016/2016 – Two storey rear extension with attached garage. Insertion of French doors and additional door to rear elevation. Insertion of door and additional window to side elevation – pending a decision at the time of writing this report

KET/2014/0098 – Erection of three 2 -storey detached dwellings and four 2-storey semi-detached dwellings (excluding landscaping) – refused by the Planning Committee 07/07/2014 and subsequently **allowed** on appeal 27/08/2015 and therefore is an extant permission

KET/2012/0449/TPO - T1 Cedar - 20% crown reduction - **Approved** 03/09/2012.

KET/2010/0695 - 3 no. dwellings - **Approved** 13/12/2010

KET/2009/0728 - Conversion to 4 no. flats including two storey side and rear extensions, plus parking and storage facilities - **Approved** 24/03/2010.

KET/2008/0226 – Outline -Demolition of existing house; erection of 2 no. three storey houses; 2 no. two storey semi-detached houses; 3 no. two storey detached houses - **Refused** 23/09/2008 with the subsequent **Appeal dismissed** 12/06/2009.

KE/02/1009 – Outline - 6 no. dwellings – 3 pairs of semi-detached dwellings (Access and siting considered). - **Approved** 04/08/2003.

KE/01/0939 – Outline - Demolish existing house and garages for seven detached dwellings - **Refused** 20/03/2002.

KE/90/0729 - Block of garages for existing dwelling - **Approved** 09/10/1990.

Site Description

Officer's site inspections were carried out on 01/04/2016 and 26/04/2016

The application site consists of a large residential garden located in a back-land situation measuring approximately 1400sqm within an established residential area associated with 116 London Road approximately 0.5km to the southeast of Kettering town centre.

The character of the surrounding area is made up of large detached and semi-detached Victorian and Edwardian villa's, set back from the highway edge in large curtilages, together with rows of red-brick terraced properties similarly aged opposite on London Road and to the north and south of the site. To the west is a residential care home. The area generally is indicative of Kettering's suburban expansion during the Nineteenth century following the growth of the shoe and textile industries in the town, and the construction of large villas on main routes.

116 London Road is set back within a large plot and is a significant detached step-fronted red brick two-storey suburban villa, with a projecting two-storey element containing a ground floor bay window and porch with surviving original door and tiles. The property was originally built in 1886 by local architect J T Blackwell (of Blackwell, Storry and Scott) for Dr John Winter Dryland, a Kettering social reformer and medical doctor. In recognition of its contribution to the local character, in 2009 the property was afforded protection under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

The property is mostly screened from public view by a Victorian red brick front boundary wall approximately 1.8 metres in height along the highway edge and extensive frontage planting. The boundary wall extends into the site along the side boundaries but is replaced with 1.8 metre high wooden panel fencing past the house as it extends into the rear garden.

There is a driveway to the north end of the site which extends past the north elevation of the house finishing at a detached red brick treble garage with a pitched roof which was built in the 1990s.

Proposed Development

The application seeks full planning permission for the demolition of the existing garage and the erection of three detached 4-bed dwellings with associated garages and parking. The proposed access driveway would pass to the south of the existing property with the creation of a new access towards the southern edge of the sites highway frontage through the removal of a section of front wall.

It is also proposed to close the existing vehicular access and to replace it with a pedestrian only access in association with the existing house that would also use the new access driveway.

Any Constraints Affecting The Site

- Access on to a classified A-Road
- The site includes a Cedar and Wellingtonia tree that are subject to TPO's
- The property is subject to Article 4 direction – restrictions affecting householder development – issued 05 May 2009

4.0 Consultation and Customer Impact

KBC Environmental Health

No objection stated subject to the imposition of conditions controlling the hours of working for construction sites and in relation to contaminated land together with a radon gas informative.

NCC Local Highway Authority (LHA)

Say that they cannot support the application with the following observations:

- The access meets their standards
- A bin presentation point is required within private land
- Pleased to see that a single point of access is now proposed [following the receipt of amended drawings]

- Some concern with regard the amount of parking provision impacting on the ability for a fire tender to access and turn within the site
- The fire tender access would be required to be within 45m of the highway boundary
- The access width is acceptable
- Sprinklers should be provided or otherwise a swept path analysis provided
- Dwellings with 4 or more bedrooms should supply 3 parking spaces (excluding garages)
- Parking spaces should be 2.5 x 5m and garage internal dimensions are to be 3.2 x 6m for singles.

NCC Archaeology

No objection subject to the imposition of a condition requiring approval of a programme of archaeological works

Neighbours

Five third party letters of objection received from surrounding neighbours; for the following summarised reasons:

- Querying whether the site has extant permission for a housing development
- Harm to wildlife; in particular to frogs and newts and other unspecified *rare species*
- Loss of light and outlook to 114 London Road and the dwellings to the north fronting Broadway and those within Gabriel Court to the west
- Loss of privacy
- Harm to highway safety as a result of increased levels of congestion and highway parking
- Consideration should be given to the ability of local facilities to cope with the increased housing
- Devalue surrounding properties
- Plot 3 will be closer than 1m to the boundary with 1sqm of unprotected area and therefore compromises basis health and safety in relation to building regulations
- The turning head does not comply with building regulations
- No bin collection point
- The new properties will be overlooked from surrounding existing properties
- The conifers referred to in the plans, shown as being retained, could be felled at a later point
- Could result in a precedent
- Concern regarding the loss of trees
- Loss of rear openness

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

Policy 11. Conserving and enhancing the natural environment

Policy 12. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

35. Housing: Within towns

Emerging North Northamptonshire Core Spatial Strategy Policies

Policy 4. Biodiversity and Geodiversity

Policy 8. Shaping Places

Policy 9. Sustainable Buildings

Policy 28. Housing Requirements

Policy 29. Distribution of new homes

SPGs

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 the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on trees
5. Impact on highway safety and convenience
6. Impact on biodiversity
7. Impact of contaminated land
8. Sustainable Construction and Energy Efficiency
9. Response to objections

1. The principle of the development

The principle for developing the site for housing has been established through the approval of previous planning applications on the site and most notably the appeal decision in 2015, which is an extant permission, chiefly because of its location within the Town confines, with no reason to adopt a different approach here. As such the principle of the development is considered to be acceptable.

2. Impact on the character and appearance of the area

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings and is reinforced by policy 8 of the emerging Core Strategy that seeks, amongst other things, for development to respond to the character of the area. The NPPF in Chapter 7 requires development to have good design.

In addition paragraph 135, of the National Planning Policy Framework (NPPF) states that the effect of an application on the significance of a non-designated heritage asset should also be taken into account. Whilst the area is not within a Conservation Area or within the setting of a listed building, due to its local historical and architectural importance 116 London Road has been subject to a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended, since 5th May 2009. As such the property is considered to be a non-heritage asset and therefore the impact of the proposal to it should be considered.

Firstly and critically the site has extant planning permission under KET/2014/0098 for the demolition of the existing Article 4 property and the construction of seven dwellings which was allowed on appeal. This permission notably includes the provision of three detached dwellings with much the same footprint and with a comparable siting of those proposed here. As such with the implementation of the approved and extant planning permission the Article 4 property would no longer exist.

This proposal and the currently pending householder application in association with 116 London Road seeks to retain the Article 4 property whilst also proposing the three dwellings to the rear, where planning permission already exists for three dwellings of a comparable size. As such this application in retaining the Article 4 property is betterment to what would result through the implementation of an extant planning permission in terms of the impact on a non-designated heritage asset. This is considered to carry significant weight in favour of the proposal.

As such the application seeks retention of 116 London Road and the three proposed dwellings proposed in terms of siting, design and scale are broadly consistent with those approved in the extant planning permission. As a result and consistent with the Inspectors decision the proposal is considered to have been designed in the context of its surroundings and whilst a imitative design it would not be out of place in the area and would preserve the historic street pattern. Moreover, Government policy in the National Planning Policy Framework is that decision makers should not seek to impose architectural styles or particular tastes. The demolition of the relatively recently constructed garage is not considered to have a harmful impact.

It is concluded therefore that the form, layout and design of the proposal would not harm the character and appearance of the surroundings, in compliance with these aspects of CSS policy 13.

3. Impact on 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 and is reinforced by policy 8 of the emerging Core Strategy that, amongst other things, seeks development to protect amenities.

The proposal, in terms of its two storeys built form is consistent with the approved extant planning permission. This together with careful positioning of windows and distances to neighbours, including 15m separation gap between the rear elevation of the properties in Broadway and 16m to 114 London Road, and no notable openings in the facing elevation of Gabriel Court it is considered that the dwelling layouts would limit direct overlooking and overshadowing and be sufficient separation distances between buildings to mitigate such effects. To safeguard neighbours' amenity further approval for the insertion of any additional windows above ground floor in key elevations will be imposed together with any relevant obscuration and non-opening below an internal floor level height of 1.7m.

Whilst the construction of the dwellings would inevitably cause some disturbance to surrounding neighbours this will be short-lived over the lifespan of the development and any serious impacts will be prevented through the approval of a construction management plan and a condition limiting the hours of working.

The proposal also provides a sufficient level of private garden space and also affords acceptable residential amenity for future occupiers. As such the proposal is considered to comply with the parts of the development plan that seek to protect residential amenity and therefore is considered to be acceptable in this respect.

4. Impact on trees

The site, encompassing 116 London Road, includes two trees subject to TPO's. The Cedar that is located within the retained front curtilage of 116 London Road is to be kept and the Wellingtonia, which is located along the southern boundary of the site close to the proposed driveway, would be felled to make way for this access road. The removal of this TPO tree was permitted as part of the extant planning permission, having been accepted in earlier planning approvals by the Council. As such and on the basis of its moderate contribution to the extensively treed character of the surroundings there is no reason to adopt a different approach here.

As such and with the imposition of a condition requiring approval of landscaping, to include details of other trees that would be felled or retained the proposal is considered to be acceptable in this respect and critically would retain a sylvan quality to the front of 116 London Road.

5. Impact on highway safety and convenience

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.

Chapter 4 of the National Planning Policy Framework (NPPF) requires proposals to take into account the accessibility of the development the type, mix and use of the development, the availability of and opportunities for public transport, local car ownership levels and the overall need to reduce the use of high-emission vehicles.

The application site is approximately 0.5km from Kettering Town Centre with all its facilities and services and is on a main route into the town centre. There is a regular bus service to and from the town centre and the site is within walking distance of the train and bus stations. As such the provision of 2-3 car spaces per dwelling, whilst including the garages is considered to be ample provision for this nature of development and in this location so as to resist exacerbating existing congestion levels on the surrounding streets.

Critically the Local Highway Authority (LHA) find the access and its arrangements, including its width acceptable and complies with their standards and their concerns with respect the provision of a place to present bins can be required by condition with suitable locations possible close to the highway edge.

Whilst the dwellings may be in excess of 45m from the highway, for fire tender purposes, this distance is consistent with the extant approval and the width of the access road (4.5m) would comfortably allow tender access with a minimum width of 3.7m required in Northamptonshire Fire and Rescue Guidance (June-2015).

It is therefore considered and in the absence of a LHA objection that, subject to the imposition of conditions regarding the approval of a bin storage area, the proposal complies with chapter 4 of the NPPF in that there is adequate on-site parking provided for the type, mix and use of development, local car ownership levels and the accessibility of the development. In addition the proposal is consistent with policy 13 of the North Northamptonshire Core Spatial Strategy in that the access and parking arrangements would not result in an adverse impact to highway safety.

6. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.*

An objection has been received from third parties who state that there are likely to be protected species at the application site. The application subject to the allowed appeal on the site was accompanied by a Preliminary Ecological Assessment, which included a Phase 1 Habitat Survey and also a day and Nocturnal Emergence and Dawn Re-entry Bat Survey. Both surveys are considered to be up to date and in accordance with Natural England advice. As a result of these surveys together with the advice of the Wildlife Trust and Natural England at the time and consistent with

the findings of the inspector and with no reason to believe otherwise subject to the implementation of the recommended mitigation measures, the proposal is not likely to result in adverse harm to species, protected or otherwise. As such the proposal is considered to be acceptable in this respect.

7. Impact of 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.

8. 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. Energy efficiency provision within the proposal will be secured through Building Regulations and the installation of solar panels. As such the proposal is considered to be acceptable in the regard.

9. Response to objections

The objections received on the basis of impact of the development to residential amenities, character of the area, protected species, highway safety and trees have been discussed above and having considered the proposal in the context of the site's extant permission the proposal has been found to be acceptable in these respects.

The devaluation to property is not considered to be a material planning consideration and given the individual nature of the site there is no reason to believe that an approval on this site would result in a precedent to other sites where in any event an application will be considered on its own merits. Lastly the addition of only three properties in a location where there is accessibility to a number of schools, health facilities and other facilities and services is not likely to result in significant pressure on those facilities and as such is not a constraint to development.

Conclusion

In light of the above and critically when considering the merits of the application in the context of the site's extant planning permission with respect to impact on neighbours, the area and the highway and in contrast that this proposal seeks to retain a locally significant Article 4 property the application is considered to comply

with the Development Plan and therefore is recommended for approval subject to the imposition to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: