

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 30/10/2018</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2018/0687</b>
<b>Wards Affected</b>	<b>St. Michaels and Wicksteed</b>	
<b>Location</b>	<b>62 Headlands (land to rear), Kettering</b>	
<b>Proposal</b>	<b>Outline Application: 2 no. dwellings with access only considered</b>	
<b>Applicant</b>	<b>Mr &amp; Mrs Clarke</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 subject to the following Condition(s):-

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.  
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

3. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
REASON: In order to secure a satisfactory development.

4. Plans and particulars of the reserved matters referred to in condition 3 above, relating to the appearance, layout and scale of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: In order to secure a satisfactory development.

5. The dwellinghouses hereby approved shall be a maximum of 2 storeys (8 metres) in height.

REASON: In the interests of the amenities and character of the area and to secure a satisfactory form of development, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The development hereby permitted shall be carried out in accordance with submitted plan number 18-088-01, received by the Local Planning Authority on 5th September 2018, but only in respect of those matters not reserved for later approval.

REASON: In order to secure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. 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 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: Contaminated land investigation is required prior to the commencement of development 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 15 of the NPPF and Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

8. No development shall take place on site until details of measures to be taken to prevent spoil or mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented before the development commences and retained for the duration of the construction period.

REASON: Details of the prevention of mud or spoil on to the public highway are necessary prior to the commencement of development to prevent the transition of these materials on to the highway in the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. No earthworks or groundworks shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Finished Floor Levels are necessary to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. No development above slab level 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 first occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of amenity and protecting the privacy of the neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Prior to first occupation of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained 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 newly approved 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 8 of the North Northamptonshire Joint Core Strategy.

12. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate measures to limit water use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day. The development shall thereafter be carried out in accordance with these approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with Policy 9 of the North Northamptonshire Core Spatial Strategy.

13. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used 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 in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. No development shall take place until full engineering details of the road layout including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with the method of disposing of surface water, have been submitted to and approved in writing by the Local Planning Authority. The buildings

shall not be first occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: To ensure that the highway works are constructed to a satisfactory standard in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## Officers Report for KET/2018/0687

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

### 3.0 Information

#### **Relevant Planning History**

56-66 Headlands (land to rear) and 27 Ostlers Way (land to front)

KET/2015/0337. S73. Variation of condition 6 of KET/2011/0181, in respect of layout and access. Refused 30/06/2015. Appeal dismissed 11/04/2016.

KET/2011/0181. Outline. Residential development comprising 8 no. houses and construction of estate road. Approved 06/12/2012.

#### Related Planning History

68 Headlands (land to rear)

KET/2014/0704. Outline. 2 no. dwellings with access off Ostlers Gardens and all other matters reserved. Refused 17/12/2014. Allowed at appeal 14/07/2015.

64-66 Headlands (land to rear)

KET/2011/0451. Full. 5 no. dwellings with associated parking and new access. Approved 10/11/2011.

KET/2010/0733. Full. 5 no. dwellings with associated parking and access. Withdrawn 13/01/2011.

KET/2010/0280. Outline. 5 no. two storey dwellings and associated access. Approved 29/07/2010.

KE/03/0201. Erection of 14 dwellings and associated roads, sewers and landscaping. Refused 25/05/2003. Appeal dismissed 08/03/2004.

64, 66 and 68 Headlands (land to rear)

KET/2009/0255. Outline. 5 no. two storey dwellings and associated access. Approved 15/10/2009.

#### **Site Visit**

Officer's site inspection was carried out on 02/10/2018.

#### **Site Description**

The application site is located to the south of Kettering Town Centre and comprises land provided by subdividing the rear plot of No.62 Headlands. The site is adjacent to the Conservation Area.

The plot length of No. 62 Headlands is approximately 155 metres and the application site uses the bottom 66 metres of this to provide the application site. The plot has already been subdivided from No.62 and comprises rough grassland containing a few mature apple trees and surrounded at the boundaries by a mixture of mature hedging and planting.

The site is accessed from the private drive in Ostlers Gardens which is accessed of Ostlers Way.

To the east of the site are the dwellinghouses in Headlands, with residential development to the south and west in Ostlers Gardens and Ostlers Way. Beyond Ostlers Way is railway land and the London/Sheffield railway line, is approximately 80 metres from the western boundary of the application site.

Surrounding development comprises dwellinghouses within the Conservation Area which are large well-spaced detached or semi-detached Victorian and Edwardian townhouses set towards the front of their plot with substantial long, narrow gardens in excess of 150 metres in length. On Headlands, southwards from the town centre and outside the Conservation Area, there is a decrease in the size and grandeur of the properties and in overall plot size and length, which is proportionate with the decrease in their age. Many of the newer properties are significantly smaller single and two-storey detached properties dating from the 1920s onwards, and are interspersed with 1970s and 1980s infill development which subdivides larger plots and introduces development within the garden areas of these plots. Ostlers Way to the west of the application site comprises 29 detached dwellinghouses set in small plots of land built in the late 1990s.

The proposed development will reduce the garden land of No. 62 Headlands by approximately 42%.

### **Proposed Development**

The proposal is for outline consent for the residential development of 2 no. dwellinghouses with consideration given to access only, all other matters relating to appearance, landscaping, layout and scale reserved for consideration at reserved matters stage.

An indicative site plan has been provided by the applicants.

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

Within the Nene Valley Nature Improvement Area (NIA) Boundary  
Adjacent to Kettering Conservation Area

## **4.0 Consultation and Customer Impact**

### **Northamptonshire County Council Highway Authority**

- **Objection**
- Fails to comply with Policy 15 of Northamptonshire Highway Development Management Strategy
- Failure to demonstrate highway safety for all users and safe emergency access
- Lack of bin presentation points
- Sub-standard parking.

### **Northamptonshire County Council Nature Development**

- No comments received.

## Environmental Health

- **No objection** subject to a condition regarding contaminated land.

## Neighbours

1 letter providing **comments** received from No.5 Ostlers Gardens:

- The application is a waste of time.
- The road in Ostlers Gardens is owned by the residents and their mortgagors and none would grant access.
- The application should be refused sooner rather than later.

Rights of access are a civil matter and are not dealt with through the planning process.

4 letters of **objection** received from Nos.1, 2 and 4 Ostlers Gardens and No.28 Ostlers Way, in respect of the following material planning considerations:

### Residential Amenity

- No indicative information has been provided about the proposed layout, pertinently scale, which would signpost potential impacts on existing dwellings, chiefly Nos.1 and 2 Ostlers Gardens, such as daylight impingement to gardens in the dwellings themselves.
- If two-storey buildings are proposed, they will overlook No.1 Ostlers Gardens leading to a severe loss of privacy.
- The proposal could harm the living conditions of nearby dwellings.
- The outline application does not give an adequate indication of size, scale and style of proposed buildings. Previous applications KET/2011/0181 and KET/2015/0337 positioned the dwelling further away from the bungalow at No.28 Ostlers Way. We are concerned about the proximity as it would further add to the current buildings that dwarf and overshadow our property, overlook us and cause overcrowding.
- The proposed site rises up from the side of the bungalow (No.28) and gardens and the current level on which the building is planned means it would look down into our bedrooms, kitchen/family room, conservatory, the skylight in our en-suite bathroom and garden. Given the height of the bungalow and its close proximity to the boundary any building would be dominant, obtrusive and overshadow us and result in a loss of privacy, block daylight and potentially increase noise. Careful consideration needs to be given to the position and design of any dwelling, garage or garden structures, placement of windows, height of buildings and take into account the already close proximity of other existing buildings.
- Due to the ground on the boundary of the site being higher and the close proximity of our bungalow and windows, any boundary fence would have a detrimental impact. The current boundary fence is not the actual boundary and needs to be placed on the true boundary.
- Regard should be given to replacement landscaping and planting and the impact on our property given the slope of the site.



### Parking and Highway Safety

- The proposal would increase the number of dwellings served by a private drive from 5 to 7 which does not comply with Northamptonshire County Council Standing Advice (June 2016).
- Pedestrian access to the site is via Ostlers Way and Ostlers Gardens and there is no dedicated footpath for a distance in excess of 100m, nor is there scope for one to be constructed.
- Refuse collection would be difficult. The private drive does not meet adoptable standards for refuse vehicles and the collection point has insufficient space for and increased collection area.
- Not known if there is sufficient capacity for mains services to the increased dwellings.
- The driveway to No.28 Ostlers Way is obscured by a blind corner and from Ostlers Gardens by a restricted view due the offset of the road, making it hazardous getting on and off the driveway and for other road users and pedestrians.
- As Ostlers Gardens is not adopted highway, no provision was made for bin collection by refuse vehicles. The insufficient size of the bin collection area provided bins has resulted in bins being placed outside of the area which is totally unsatisfactory and adds a further restriction when manoeuvring on and off our driveway which is a health and safety issue. Any additional bins generated by further dwellings would add to these issues.
- The developer states that 7 houses may be serviced by a private drive. If this is the case there are currently 5 houses in Ostlers Way with 2 more approved in outline. This would prevent further development from this private road.

### Contaminated Land

- No contamination assessment has been submitted. Adjacent land is known to have high levels of arsenic and there is no evidence of measures to mitigate disturbance due to the development.

### Ecology and Wildlife

- No indication that an ecological or protected species survey has been considered or carried out. The trees bring a range of wildlife which will be significantly reduced if the properties are built. The existing dwellings in Ostlers Way were constructed sympathetically given the known bat activity in the locale.

### Trees

- Along the boundary is a line of extremely tall over mature Poplars. The tree survey carried out for the previous application KET/2011/0181 stated these trees were deemed to be in a poor structural condition and in close proximity to No.28 Ostlers Way and recommended removal. Since 2011 the trees have deteriorated further as tree debris regularly falls onto the house and pathway. Also, the Network Rail removal of trees on their land had increased the strength of the winds blowing west to east putting more stress on these tall trees. Due to the poor condition, poor amenity value and close proximity to the bungalow and new dwelling, the trees should be removed.

### Other Issues Raised by the Proposal

- Permission was granted on appeal on land to the rear of No.68 Headlands under reference KET/2014/0704 which has since lapsed.

1 letter of **objection** received from the Southwest Kettering (Headlands Community) Neighbourhood Forum (SWKHCF):

- In the Part 2 Local Plan for Kettering Borough, currently under consultation, there are proposals for the protection of the large historic gardens in the South Headlands area. No.62 just falls in this proposal. It would seem strange to grant permission while a consultation is still open.
- The developer states that 7 houses may be serviced by a private drive. If this is the case there are currently 5 houses in Ostlers Way with 2 more approved in outline. This would prevent further development from this private road.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 15. Conserving and enhancing the natural environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 4. Biodiversity and Geodiversity

Policy 6. Development on Brownfield Land and Land Affected by Contamination

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

#### **Saved Policies in the Local Plan for Kettering Borough**

35. Housing: Within Towns

#### **Kettering Town Centre Area Action Plan**

24. The Headlands Quarter

## **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. Energy Efficiency and Sustainable Development
7. Nene Valley Nature Improvement Area (NIA)

### **1. The Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site is in an established residential area to the southwest of Kettering.

The application site is approximately 600 metres south of Kettering Town Centre, within the town boundary as defined by policy 35 of the Local Plan for Kettering Borough, and is within walking and cycling distance of the town centre amenities and transport links provided by the train and bus stations. Policy 35 is supportive of proposals for residential development within towns and policies in principle.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

Previously approved planning permissions are also a material planning consideration and outline planning approval was granted by KET/2011/0181 for 8 no. dwellings on land to the rear of Nos. 56, 58, 60 and 62 Headlands.

The South West Kettering (Headlands Community) Neighbourhood Forum has been set up to prepare a neighbourhood plan in order to shape the future development of the area. The plan is currently at preparation stage and has not been submitted to the Local Planning Authority for review. As such, it has no weight as a material planning consideration in the determination of this application.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

## 2. Character and Appearance

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The submitted application is in Outline form with only the matter of access under consideration.

Due to the location of the proposed access leading from Ostlers Gardens via Ostlers Way, the application site will be associated with the existing development in Ostlers Gardens and Ostlers Way, rather than with that on Headlands.

The application site consists of just under half of the rear garden of No. 62 Headlands which is adjacent to the Kettering Conservation Area and to the plan area for the Kettering Town Centre Area Action Plan. The site will be accessed from Ostlers Gardens off Ostlers Way. Ostlers Way is a modern cul-de-sac development of 29 dwellings built in the late 1990s, which is itself accessed from the southern end of Headlands. The 5 no. dwellinghouses in Ostlers Gardens were built out following planning permission granted in 2011.

The subdivision of the rear garden of No.62 to form the application site will retain a substantial rear garden length for this property, will not result in any visibility from the public realm in Headlands, will not increase the access points on Headlands or adversely impact on the residential character of the existing properties, and will retain the historic street pattern, the property boundaries and the urban morphology, thus respecting the established grain of development on Headlands.

As the application is in Outline, only an indicative site layout plan has been provided and the submitted Design and Access Statement states that the proposed dwellinghouses will be 4 bedroomed two-storey dwellinghouses of no more than 8 metres maximum height and each dwellinghouse is to be provided with 3 no. off road parking spaces. The indicative plan shows generally rectangular properties with widths of 9 metres and lengths of 11 metres.

The height parameter provided for the proposed dwellinghouses is reflective of the heights of the existing dwellinghouses in Ostlers Way and Ostlers Gardens which also, except for the bungalow at No.28, have ridge heights of between 8 and 9 metres above ground level, and depths and lengths between 8.5 and 11 metres, as scaled from the approved plans for the Ostlers Way development under reference KE/97/0135.

Due to the location of the proposed access to the site, the proposed development will feel part of the Ostlers Way/Ostlers Gardens development and it is considered the submitted layout has an equivalent density and is set out to reflect to grain of the existing surrounding development. The final layout will be considered as part of a Reserved Matters application.

The Design and Access Statement also states that similar materials and details will be used for the proposed dwellinghouses and that a dormer style lower roof section would be included adjacent to the properties in Ostlers Gardens. All of these details will be considered as part of a Reserved Matters application.

A condition will be added to this permission to require materials to be approved, prior to the commencement of development in order to ensure the character and appearance of the future development is reflective of the existing surrounding development.

As such, subject to the approval of the reserved matters, the layout is considered to reflect that of surrounding development in Ostlers Way and Ostlers Gardens and therefore conforms to Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy which requires new development to respect and enhance the character of its surroundings.

### 3. Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The submitted application is in Outline form with only the matter of access under consideration.

Objections have been received from neighbouring occupiers concerned that the location of the proposed dwellinghouses, if two-storey, will lead to overlooking, overshadowing, a loss of privacy to, and overcrowding of the occupiers of Nos.1 and 2 Ostlers Gardens and No.28 Ostlers Way. Nos. 1 and 2 Ostlers Gardens are two-storey dwellinghouses and No.28 Ostlers Way is a bungalow.

As only the access is being considered, an indicative plan showing the site layout has been submitted along with the Design and Access Statement which indicates that the proposed dwellinghouses will be 4 bedroomed two-storey dwellinghouses of no more than 8 metres maximum height and that a dormer style lower roof section would be included adjacent to the properties in Ostlers Gardens. The indicative plan shows generally rectangular properties with widths of 9 metres and lengths of 11 metres. The siting of each dwellinghouse is similar to that approved by Outline planning permission granted under reference KET/2011/0481.

No.1 Ostlers Gardens, immediately adjacent to the site, sits at an angle to the side boundaries of its plot and has two bedrooms and a central bathroom at first floor level in the rear elevation facing the application site. No.2 Ostlers Way, also immediately adjacent to the site, has a flank elevation facing the application site, which is blank at first floor level.

With respect to the properties in Ostlers Way, the layout is such that only No.28 Ostlers Way will be directly adjacent to the application site, with part of its east elevation facing the site. No.28 Ostlers Way, has a 1.8 metre high boundary fence in close proximity to its side elevation meaning there will be no issue of either occupant overlooking the other. The rear plot depth, which can be secured at

Reserved Matters stage and the maximum height of 8 metres means there will be no overbearing impact from the proposal onto the existing dwellinghouse at No.28.

With respect to any loss of daylight or sunlight, No.28 Ostlers Way has a relatively small surrounding plot in relation to the size of the dwellinghouse and has a north facing rear garden. Due to the orientation of proposed plot 1 to the northeast of No.28, in relation to the path of the sun, the distance between the two properties means there will be no loss of daylight or sunlight to the private amenity space of No.28 as a result of the proposal.

It is considered that the site is sufficiently large to allow for the siting of each of the proposed dwellinghouses to be amended or varied, as necessary at Reserved Matters stage, to allow for sufficient rear garden depths, and to allow for the general design, siting and location of openings, such that the concerns of the neighbours could be addressed

Objections have been also been received regarding the retention of trees in the rear garden of No.62 Headlands, particularly a row of tall mature Poplars along the boundary of the application site with No.28 Ostlers Way. Outline planning permission granted by KET/2011/0181 allowed for the removal of these trees as they were considered to be in reasonably poor condition. The objectors consider this is exacerbated by the recent removal of trees on Network Rail's land to the west of the application site which has removed tree cover and increased the strength of winds blowing west to east causing further stress to these Poplars. As landscaping is a Reserved Matter, the trees and other landscape elements will be dealt with at a later submission where full details will be submitted.

It is accepted that during construction there will be disturbances to amenity in terms of additional traffic noise and movement, and construction noise however, any adverse noise issues are dealt with by Environmental Health legislation outside the remit of planning. A condition will be added to control the deposit of any mud on the roads during the construction phase.

As such, subject to the imposition of the recommended planning conditions, it is not considered that the proposed scheme will adversely impact on the residential amenity neighbouring or future occupiers and is in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy.

#### 4. Parking and Highway Safety

Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Access is the only matter under consideration in this application.

The site is within walking distance of the town centre; however, there is no facility to allow pedestrian access from within the site onto Headlands. The only pedestrian access is via Ostlers Gardens, Ostlers Way and Bishops Drive, a distance of 490 metres to the bottom of Ostlers Way, then another approximately 1km north along Headlands into the town centre.

Ostlers Gardens has been developed for 5 no. dwellinghouses and is accessed by way of an unadopted private drive from Ostlers Way.

Objections have been received from the Local Highway Authority and surrounding neighbours in relation to the increase the number of dwellinghouses served by a private drive from 5 to 7 which is contrary to Policy 15 of the Northamptonshire Highway Development Management Strategy. This policy is not a Local Planning Authority Development Plan policy. Objections have also been raised regarding the lack of a pedestrian access to the site and in Ostlers Gardens, inadequate refuse collection points, and inadequate parking.

A similar scheme for 2 no. dwellinghouses to the rear of No.68 Headlands, immediately to the south of the 5 no. dwellinghouses in Ostlers Gardens, was refused Outline planning permission under reference KET/2014/0704. Planning permission was granted on appeal under reference APP/L2820/W/15/3003293 on 14<sup>th</sup> July 2015, with one of the main issues being the effect of the proposed development on highway safety.

KET/2014/0704 proposed a virtually identical indicative scheme to the one submitted for this application. The Planning Inspector considered that as the private drive is T-shaped, with good forward visibility along the main limb of the shared private drive, that vehicles exiting the proposed development would join the minor limb of the driveway with a reasonable assumption that the occasional vehicles travelling along it are likely to be travelling at a slow speed, and as a consequence there would be sufficient time for users to see each other and avoid coming into conflict, and that the low level of additional vehicle movements along the driveway that would be generated by two further houses would therefore not harm highway safety.

With respect to the lack of a footpath within Ostlers Gardens, this has been deemed to be acceptable under the previous approval granted by KET/2011/0181 and in the appeal on KET/2014/0704. As there is no existing footpath along Ostlers Way leading into Ostlers Gardens, it was not considered to be a requirement to provide one within the application site as it is not possible to tie it in with the existing infrastructure. The Planning Inspector considered that the low level of additional vehicle movements would not lead to conflict with pedestrians or result in harm to highway safety.

With respect to parking provision for the proposed new dwellinghouses, the indicative site plan shows a garage with driveway parking for 2 no. vehicles clear of the highway. The submitted Design and Access Statement states that 3 no. parking spaces are to be provided for each dwellinghouse and this is identical to the parking provision provided for KET/2014/0704. The Planning Inspector considered that the houses in Ostlers Way and Ostlers Gardens have a good off road parking provision and that the proposed dwellinghouses could be provided with a similar level of parking and that a proposal for 2 no. additional dwellinghouses would not increase on road parking to the extent that it would harm highway safety or the free movement of traffic.

KET/2014/0704 lapsed without the submission of any Reserved Matters applications on 14<sup>th</sup> July 2018 and as such, it is considered that, as there is no extant permission, this current scheme plus the existing 5 no. dwellinghouses in Ostlers Gardens will not give rise to a situation any different in highway safety terms than when the Planning Inspector granted approval on KET/2014/0704.

As such, it is considered that the proposal is in accordance with Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy.

#### 5. Contaminated Land

Policy 6 of the North Northamptonshire Joint Core Strategy requires new development to be mitigated by remediation strategies in the event of any land contamination.

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 170 and 178 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. Energy Efficiency and Sustainable Design

Policy 9 of the North Northamptonshire Joint Core requires new development to incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. This includes measures which limit water use to no more than 105 litres/person/day.

No details have been submitted as part of this application and information in this regard can be required by condition

#### 7. Nene Valley Nature Improvement Area (NIA)

The Local Planning Authority has a legal duty under the Wildlife and Countryside Act 1981, as amended, the Natural Environment and Rural Communities Act 2006 (NERC Act), the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010), and the Protection of Badgers Act 1992 to ensure the protection and enhancement of wildlife. Policy 15 of the National Planning Policy Framework requires Local Planning Authorities to aim to conserve and enhance biodiversity by permitting development only where significant harm can be avoided. Policy 4 of the North Northamptonshire Joint Core Strategy requires new development to enhance local Green Infrastructure and to conserve and enhance landscape character and biodiversity.



The application site is a relatively small site within the NIA boundary and is characterised by roughly mown grassland and planting which has been separated from the rear garden of No.62 Headlands.

An objection has been received that the range of wildlife on the site could be significantly reduced if the properties are built, however, no evidence has been provided to support this assertion. It is considered that the small size of this site does not warrant the submission of an ecological survey and informatives will be added to the permission to remind the applicants with respect to their responsibilities under the Wildlife and Countryside Act. As such, it is considered that the small scale of the development proposed will not have an adverse impact on existing wildlife or the improvement of the Nene Valley.

### **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this regard the proposed development is strongly supported by the aims and objectives of the Development Plan policies listed in the report, and there are no material considerations which would outweigh the Development Plan subject to the imposition of the recommended planning conditions.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date: