

BOROUGH OF KETTERING

Committee	Full Planning Committee - 21/09/2011	Item No: 5.4
Report Originator	Alison Riches Development Officer	Application No: KET/2011/0314
Wards Affected	Slade	
Location	Phase 6 C, Mawsley	
Proposal	Full Application: 14 no. dwellings	
Applicant	Mr J Browning Lodge Park Ltd,	

1. PURPOSE OF REPORT

- a. To describe the above proposals
- b. To identify and report on the issues arising from it
- c. To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

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 following approved plans, all received 5th September 2011:

236/01 rev B - Site layout
236/10 rev A - Plots 1, 2 and 3
236/11 rev A - Plot 4
236/12 rev A - Plots 5, 6 and 7
236/13 rev A - Plots 8, 9 and 10
236/14 rev A - Plot 11
236/15 rev A - Plots 12, 13 and 14
236/17 - Garage Plot 3

and the following approved plans, all received 8th September 2011:

WD/236/80 - Porch details Plots 1 to 11 and 14
WD/236/81 - Porch/bay window details Plots 12 and 13
WD/236/82 - Dormer details

REASON: For the avoidance of doubt.

3. The intended final ground and finished floor levels of the development hereby approved shall be as shown on the engineering layout plan JKK3247/100 rev L received 5th September 2011.

REASON: In order to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The development hereby approved shall be constructed of the external facing, roofing, stonework, rainwater goods, fascia and soffit materials as shown on the approved Materials Schedule and Hard Landscaping plan 236/02 rev B received 5th September 2011. The windows shall be Arden Warwick white painted timber, the doors shall be IG Ltd NG04 Fibrecolour natural grained doors in Oak finish, the garage doors shall be Hormann 2101 Ilkley Steel in dark brown and the render finish on the front gable of plot 14 shall be Monocouche through coloured render in S40 Ivory, as shown on details received 8th September 2011. 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. The hard and paved surfacing at the site shall be carried out in accordance with the materials and locations shown on the approved Materials Schedule and Hard Landscaping plan 236/02 rev B, received 5th September 2011. The approved surfacing shall be completed before the adjoining buildings are first occupied.

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

6. Surface and waste water drainage at the site shall be carried out in accordance with the scheme submitted on the approved Engineering Layout plan JKK3247/100 rev L received 5th September 2011. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To prevent pollution of the water environment in accordance with policies 13 and 14 of the North Northamptonshire Core Spatial Strategy.

7. The development hereby approved shall be carried out in accordance with the site characterisation and remediation scheme (carried out in accordance with the requirements of Parts A, B and C below), as shown in the approved Site Investigation Report 22511-1(00) April 2007 received 8th September 2011. If unexpected contamination is found after development has begun, development shall 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 part 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, shall 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 shall 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,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall 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 part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part 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 PPS23.

8. The development shall be carried out in accordance with the Sustainability Appraisal and Energy Statement received 2nd June 2011, in relation to a Waste Management Scheme during construction, space for waste and recycling facilities at each property, sustainable construction measures, water saving measures within each dwellings, a water butt for each property and porous hard landscaping, and the TiSUN Solar Collector details received 2nd June 2011, in respect of the requirement for 10% renewables.

REASON: To secure energy efficiency and sustainable construction in accordance with the requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy.

9. The boundary treatment at the site shall be carried out in accordance with the materials and locations shown on the approved Materials Schedule and Hard Landscaping plan 236/02 rev B received 5th September 2011, and the Landscaping Layout plan 236/04 rev A received 8th September 2011. The development hereby approved shall not be first occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

10. The landscaping scheme shown on the approved Landscaping Layout plan 236/04 rev A received 8th September 2011 shall be carried out in the first planting and seeding seasons following the first occupation of the dwellinghouses. 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. Before the development hereby permitted is first occupied, space for the loading, unloading parking and manoeuvring of vehicles shall be provided within the site in accordance with the approved plans and shall thereafter be retained and kept available for such purposes.

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

12. The windows at first floor level on the northwest elevation of Plot 4 and at first floor level in the southeast elevation of Plot 11, shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

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.

13. 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 at first floor level in the northwest elevation of Plot 4

and at first floor level in the southeast elevation of Plot 11.

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.

14. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08:00 to 18:00 hours, Saturday 08:30 to 13:30 hours 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 interests of residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- The development should be built to attain the ACPO CPI Ltd 'Secured by Design' (SBD) award. This is considered to be a minimum standard for safety and includes a section for new homes. Details can be found on www.securedbydesign.com. All ground floor and vulnerable windows/doors should use a minimum 6.4 laminated glazing to conform to BS7950. All external entry/exit doors should meet PAS 24:2007 or equivalent security rating. This includes any rear patio doors.

Contractors and sub contractors must have regard to BS 5228-2:2009 'Code of Practice for Noise Control on Construction and Open Sites' and the Control of Pollution Act 1974.

Where permission is sought for works to be carried out outside of the hours stated, application in writing must be made with at least seven days notice to Environmental Health, Kettering Borough Council, Bowling Green Road, Kettering, NN15 7QX. Local Residents that may be affected by the work shall also be notified in writing, after approval is received from the Local Planning Authority or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and fines of up to £5000 plus £50 for each further breach and/or six months imprisonment.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1, 3, 7 and 23, Planning Policy Guidance Note 13, Policies 2 and 48 of The East Midlands Regional Plan and Policies 1, 6, 9, 10, 23 and 14 of the North Northamptonshire Core Spatial Strategy. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

The application site is one half of a site previously dealt with as a whole. The relevant planning history refers to the whole site, and to development in each of the two separate halves.

Whole Site

KET/2008/0802. Amendment to position of plot 22, amendment to position of garage for plot 2, and enlargement of garage for plot 3 (amendment to KET/2007/0403). Approved 11/11/2008.

KET/2008/0789. Landscaping proposals for 29 no. dwellings in pursuant of outline permission KET/2004/0317. Approved 08/12/2008.

KET/2008/0469. Erection of 9 dwellings (revised design). Approved 01/09/2008.

KET/2007/1047. 29 No. two and two and a half storey dwellings with associated access and parking. Withdrawn 18/02/2008.

KET/2007/0403. Approval of Reserved Matters: (KET/04/0317) Access, Appearance, Layout and Scale - Erection of 29 no. 2 and 2.5 storey dwellings with associated access and parking. Approved 11/02/2008.

KET/2005/0387. Approval of Reserved Matters: Construction of remaining infrastructure roads. Approved 15/06/2005.

KE/04/0186. Approval of Reserved Matters: Infrastructure: sewers serving remaining land at Mawsley, including foul pumping station. Approved 04/05/2004.

KE/04/0317. Areas 4C, 6A, 6C, Mawsley: Outline for residential development. Refused 15/06/2004.

- Allowed at appeal 07/09/2005.
- S106 number KBC93 signed 18/05/2005
- S106 excludes this site.

KE/00/0594. Variation of condition No. 1 on outline planning permission No. KE/95/0016 to permit reserved matter applications to be made not later than 11 years beginning with the date of the outline permission. Approved 28/11/2000.

KE/99/0415. Application to vary conditions attached to outline consent for Mawsley new village (KE.95.0016). Approved 27/07/1999.

KE/99/0216. Application to vary conditions attached to outline consent for Mawsley new village (KE.95.0016):Highway condition no. 21. Refused 01/06/1999.

- Appeal withdrawn 25/08/1999.

KE/95/0016. Proposed new village comprising of 750 dwellings, school, shop, public house, village hall, church and open space and ancillary roads, services and works. Approved 11/05/1995.

- S106 number KBC187 signed 11/05/1997.
- S106 number KBC186 signed 17/12/1998, supersedes KBC187.

Adjacent Site

KET/2011/0334. KET/2010/0838 (Variation of Condition 14 (alterations to approved plans Plots 1-7 and 9-14) of KET/2009/0657): Additional window to side elevation Plot 9. Approved 06/07/2011.

KET/2010/0838. Variation of Condition 14 (alterations to approved plans Plots 1-7 and 9-14) of KET/2009/0657. Approved 04/03/2011.

KET/2009/0657. Erection of 14 no. two storey dwellings with associated access and parking. Approved 12/04/2010.

- S106 number KBC268 signed 12/04/2010.
- Contributions towards education and monitoring.

Application Site

None.

Site Description

Officer's site inspection was carried out on 23/06/2011.

The application site is located at the northeast edge of Mawsley village.

The site is currently being used to store materials and plant for the residential development currently under construction on the adjacent site to the south east. The two sites are separated by an access track serving Cransley Lodge Farm to the north of the site, which is outside the village boundary.

The application site and the adjacent site were formerly two halves of one site being developed as part of Phase 3 of Mawsley village, and for which there is planning approval for the development of 29 dwellings and associated infrastructure.

There is existing residential development to the north, west and south of the site and Cransley Lodge Farm and open countryside to the east. There is an electricity substation abutting the west of the site.

Proposed Development

Mawsley village was granted outline planning permission in 1995 under reference KET/1995/0016. This approval allowed for the development of the settlement in a number of phases for which further outline planning permissions were granted.

The application site forms part of phase 6C which was set aside for residential development and was granted a further outline planning permission under reference KET/2004/0317 in 2005.

Approval of reserved matters for phase 6C was granted in 2008 for 29 no. 2 and 2½ storey dwellings and associated access and parking under references KET/2007/0403 (Access, Appearance, Layout, Scale) and KET/2008/0789 (Landscaping).

These consents have been implemented in part with the construction of the access road and 7 no. dwellings located at the southeast end of the site. The remaining 22 no. dwellings were to be located either side of a retained farm track to Cransley Lodge to the north of the application site, resulting in two areas containing 11 dwellinghouses in each.

A full application was granted planning permission in 2009, under reference KET/2009/0657, for the area to the east of the farm track to increase the number of dwellinghouses approved from 11 to 14, adjust the house types and provide associated access and parking.

This application is a full application for the area to the west of the farm track, and seeks approval to increase the number of dwellinghouses from 11 to 14, adjust the house types and provide associated access and parking.

The housing mix is as follows:

- 1 x 2 bed dwellinghouse – plot 3
- 10 x 3 bed dwellinghouses – plots 1, 2, 5, 6, 7, 8, 9, 10, 12 and 13
- 3 x 4 bed dwellinghouses – plots 4, 11 and 14

Amended plans were sought to move plot 4 a further metre away from the northwest site boundary and to reduce the height of garages for plots 6, 7, 9 and 10.

Any Constraints Affecting the Site

Site of Special Scientific Interest within 2km of the application site boundary.

4.0 Consultation and Customer Impact

Mawsley Parish Council

- No comments received.

Anglian Water

- No owned Anglian Water assets or those subject to an adoption agreement within the development site boundary.
- Foul drainage from this development is in the catchment of Broughton Sewage Treatment Works that at present has available capacity for these flows.
- Condition requested requiring a surface water drainage strategy.

Community Services

- Information regarding open space requirements.

Environmental Health

- No objection.
- Request conditions for contaminated land acoustic insulation against the pumping station and odour from the pumping station.

Highway Authority

- Comments to be added to the committee update.

Northants County Council

- S106 contributions required for libraries, fire and rescue and education.
- Revised details received for £10,695 for primary education contributions only.

Police

- No objection.
- Suggest informatives and conditions regarding walkways and cycle routes, the alleyway near plot 11, planting area between plots 3 and 4, lighting and garage at plot 4.

Primary Care Trust

- No comments to make.

Neighbours

101 Long Breech

- Concern.
- The close proximity of plot No.4 will cause a major lack of sunlight in our garden.
- I would hope to see the 15 metre n build zone re-instated to push the line of the closest house further away.
- Whilst I understand there are no first floor windows so we will not be overlooked, I am disappointed that the sunlight issue will greatly affect the enjoyment of the use of my own garden.

Further comments received

- Plot 4 although moved a metre from the boundary is in direct line against the fence when looking directly out of my garden. This cuts out a huge amount of morning sunshine and is way out of proportion with the other adjacent properties.

105 Long Breech

- Observation.
- The house on Plot 4 is out of scale with the existing and neighbouring properties both in terms of height and overall size.

- The house will overshadow the garden of my property and surrounding properties preventing the use and enjoyment of the amenity space.
- Ask that the application refused.

5.0 Planning Policy

National Policies

PPG13. Transport

PPS1. Delivering Sustainable Development

PPS3: Housing

PPS7. Sustainable Development in Rural Areas

PPS23. Planning and Pollution Control

Development Plan Policies

East Midlands Regional Plan

Policy 2. Promoting Better Design

Policy 48. Regional Car Parking Standards

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 6. Infrastructure Delivery and Developer Contributions

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

6.0 Financial/Resource Implications

Section 106 contributions required.

- Education £10, 695
- Monitoring fee of 5% - £534.75

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. Crime.
6. Contaminated land.
7. Sustainable construction and energy efficiency.
8. Drainage.
9. Developer contributions.
10. Other issues raised.

1. The Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes it a legislative requirement for Local Planning Authorities to ensure that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Kettering Borough currently consists of:

- The North Northamptonshire Core Spatial Strategy (CSS) adopted June 2008.
- The East Midlands Regional Plan (EMRP) adopted March 2009.
- Saved policies from the Local Plan for Kettering Borough and the Northamptonshire County Structure Plan.

Mawsley village is a new settlement within Kettering Borough, and was granted outline planning permission in 1995 under reference KET/1995/0016. At the time the development of the new settlement was set aside by policy RA2 of the Local Plan for Kettering Borough. Subsequent changes in policy mean that policy RA2 has not been 'saved' by order of the Secretary of State and no longer forms part of the Development Plan. As such, this proposal falls to be considered in line with the current Development Plan and other material considerations, of which the site history is one.

National policy in the form of PPS1 promotes the sustainable use of existing land and buildings, highlighting the important role matters of design, character and amenity play in achieving this.

PPS3 requires new development to make an efficient and effective use of land. Although the application site is not previously developed land, it has been set aside by policy RA2 for residential development. In terms of the effective use of land, PPS3 no longer sets a minimum housing density, but with a site area at 3737 square metres (0.3737 hectares), the proposed 14 dwellings equates to 37 dwellings per hectare which is considered to be an acceptable density. In addition, the density is equivalent to that on the other half of the site. It is therefore considered the proposal accords with the aims and objectives of PPS3.

The proposed housing mix is 3 x four bed, 10 x three bed and 1 x two bed dwellinghouses. These unit sizes are considered to be in accordance with Kettering Borough Councils housing strategy of providing family housing.

Policy 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy require new development to have a high standard of design which respects the character of its surroundings.

Policy 13 of the North Northamptonshire Core Spatial Strategy also requires new development to be acceptable in terms of its impact on the amenities of neighbouring properties, not to have an adverse impact on the highway network, be constructed and operated in a sustainable and energy efficient manner, not cause a risk to the quality of underlying groundwater and surface

water or lead to the possibility of flooding, and to not adversely effect biodiversity at or around the site.

In terms of the site history, the original outline (KE/95/0016) allowed for development of the settlement in a number of phases, with the application site forming part of phase 6C. Phase 6C was set aside for residential development and was subsequently granted a further outline planning permission under reference KET/2004/0317 in 2005.

Approval of reserved matters for phase 6C was granted in 2008 for 29 no. 2 and 2½ storey dwellings and associated access and parking under references KET/2007/0403 (Access, Appearance, Layout, Scale) and KET/2008/0789 (Landscaping).

These consents have been implemented in part with the construction of the access road and 7 no. dwellings located at the southeast end of the site. The remaining 22 no. dwellings were to be located either side of a retained farm track to Cransley Lodge to the north of the application site, resulting in two areas containing 11 dwellinghouses in each.

As such, by virtue of the planning history, the principle of residential development is established subject to the satisfaction of the details of the proposals in terms of its character and appearance in relation to surrounding development and the wider street scene, the impact on the amenities of neighbours and the impact on the highway network.

2. Character and Appearance

The proposal increases by three the number of dwellinghouses already granted permission by KET/2007/0403 and which has been partially implemented. The proposed layout sites the majority of the dwellinghouses in the same orientation as under KET/2007/0403 but instead of all the dwellinghouses facing into the site, the new proposal has more of a linear layout along the northern edge.

The proposed dwellinghouses are 2 storeys with a maximum ridge height of 8.8 metres and with dormer windows, where found, at eaves level. Surrounding development opposite and to the west of the site in Long Breech, Rose Hill Way, Pasture End and Hawthorn Avenue is also predominantly 2 storeys with eaves level dormers where they appear. The design, detailing and materials palette reflects that on the adjacent site to the east and will sit well alongside the materials used in the existing dwellinghouses in Long Breech, Rose Hill Way, Pasture End and Hawthorn Avenue.

Immediately to the east of the site in Hawthorn Avenue and Orton Close are the 7 dwellinghouses already built out under KET/2007/0403 which reach 2½ storeys in height in Orton Close which is set back from the main highway in Hawthorn Avenue. The dwellinghouses permitted under KET/2007/0403 were either 2 or 2½ storeys high with some of those at the highway edge having a maximum ridge height of 10 metres.

The new proposal reduces the height of the dwellinghouses at the highway edge to 2 storeys which is in line with the prevailing character of the area, and the increase in density is absorbed within the site so will not impact on the existing spaced layout at the highway edge which is characteristic of the surrounding street scene.

For the boundary treatments, 1.8 metre high brick screen walls are proposed on the Hawthorn Avenue boundary which are in short lengths and provide side boundaries for plots 1 and 14 of the development. Hedging is also provided in the landscaping plan submitted to soften the impact of the brick walls in the street scene. The rear boundaries of Plots 12, 13 and 14, which back onto the existing farm track, are made up of 1.8 metre high close boarded fencing with a 0.3 metre high trellis above. This boundary treatment has been previously approved in this location and is replicated on the opposite side of the track. The side boundary to plot 4 is the existing fencing which makes up the rear boundaries of Nos.93 to 99 Long Breech while the northern site boundary is 1.2 metre high post and rail fencing with indigenous hedgerow planting in front of it as per the landscaping plan submitted. Within the site, boundaries facing the access roads are to be 1.8 metre high close boarded fencing with boundaries dividing the plots 1.8 metre high larch lap fence.

The building materials proposed, together with the boundary treatments, are the same as those used in the adjacent site, permitted under KET/2009/0657, and are to be secured to this planning permission by condition.

As such, the design, layout and materials for the dwellinghouses proposed, because of the reduction in height from 2½ to 2 storeys, complement better the design of the existing dwellinghouses in this part of the village and is in accordance with policy 2 of the East Midlands Regional Plan and policy 13(h) of the North Northamptonshire Core Spatial Strategy which requires new development to respect the character of its surroundings.

3. Residential Amenity

Issues have been raised regarding the siting of plot 4 and its proximity to the rear boundaries of Nos.93 to 99 Long Breech to the northwest of the application site.

Plot 4 is a two-storey L-shaped dwellinghouse with its front elevation facing eastwards into the application site. There is a double garage attached to the southwest elevation 6.35 metres in height to its ridge. The northwest elevation of the plot is 5 metres to eaves height with a gable roof above which regresses eastwards from the eaves to a ridge height of 8.2 metres. This rear elevation is located 2 metres from the northwest boundary and has a window at ground floor level serving the dining room and an obscure glazed window at first floor level serving an en-suite.

Although this dwellinghouse is close to the boundary with the neighbouring dwellings at Nos.97 and 99 Long Breech, both have the minimum of a 9.5 metre rear garden before the rear elevation of the house is reached, and therefore there will be no adverse impact on amenities in terms of overlooking.

A condition will be added to ensure the first floor window is retained as obscure glazed and is fixed shut. Due to the path and height of the sun in relation to the orientation of plot 4 and its roof, any loss of sunlight will be so negligible that there will be no loss of amenity to the occupiers of these properties.

Comments have been received from Nos.101 and 105 Long Breech regarding the location and size of plot 4. There will be no adverse impact on No.105 as it does not have a boundary with the proposed dwellinghouse, and the proposed dwellinghouse is located 13 metres to the northeast, with an area of landscaping closest to this neighbour. With respect to No.101, the rear garden boundary of this plot is located 4 metres from the application site boundary and a further 2 metres from the rear elevation of the proposed garage. As such, due to the location of plot 4 and its garage within the application site there will be no loss of daylight or sunlight to the rear gardens of Nos.101 to 105 Long Breech.

The siting and layout of plot 4 has a better relationship to the existing adjacent development than the existing approved layout under reference KET/2007/0403, and it is considered that had plots 3 and 4 of KET/2007/0403 been built out at 9.7 metres to the ridge and 10 metres to the ridge respectively, their impact on the amenities of the neighbouring occupants at Nos.95, 97 and 99 would have been greater in terms of overlooking than plot 4 as proposed for this application.

The only other issue with neighbour amenity is the location at first floor level of an obscure glazed en-suite window in the southeast elevation of plot 11. This window faces southeast towards the adjacent site across the existing farm track and will be 6 metres from the rear wall of plot 8 of KET/2009/0657 which also has an obscure glazed en-suite window at first floor level.

In common with the adjacent site, Environmental Health has recommended that construction working hours are restricted due to the proximity of adjacent occupied dwellings. A condition is to be added to this effect.

Environmental Health also requested a condition to mitigate against odour and noise from the foul pumping station adjacent to the southwest corner of the site. As the pumping station is outside the site boundary, and the control of odour and noise is covered under Statutory Nuisance by Environmental Health legislation, the control rests outside the remit of planning legislation and it would be unreasonable to add a condition in this respect.

4. Parking and Highway Safety

Parking within the site is provided by means of a garaging and parking spaces for each plot. The site layout plan submitted with the planning application shows 16 no. garage spaces and 16 no. parking spaces. 12 of the 14 plots have a single garage and one driveway space each, and plots 4 and 11 have a double garage and two driveway spaces. PPS3 requires Local Planning Authorities to take account of expected levels of car ownership in residential areas. In this case, it is considered that the parking provision provided is appropriate to the village location and is reflective of the general level of

parking provision in the surrounding area.

The Highways Authority raised no objection in principle but had some concerns relating to the site layout. The concerns related to reversing visibility within the cul-de-sac, which can be maximised by appropriate low level planting to be controlled by a landscaping condition. As the cul-de-sac is not a main highway, the reversing visibilities are considered not to adversely impact on the safety of pedestrian and highway users or the highway network. This is in compliance with policy 13(n) of the North Northamptonshire Core Spatial Strategy which requires new development to not have an adverse impact on the highway network or prejudice highway safety.

5. Crime

Northamptonshire Police have raised no objection to the proposal. They have suggested that Secured by Design standards should be applied and commented on the need to ensure appropriate boundary treatment, which is to be secured by condition. The development is considered to be in accordance with policy 13(b) of the North Northamptonshire Core Spatial Strategy.

6. Contaminated Land

The applicants have submitted report 22511-1 (00) dated April 2007, prepared by RSK Group PLC in order to address any contaminated land issues at the site. The report was originally submitted to discharge a contaminated land condition on KET/2009/0657 for the adjacent site. The report area covers both the adjacent site and this application site and was considered acceptable by Environmental Health. As such, a condition is to be added for the site development to be carried out in accordance with the measured included within the report.

This is considered to be in accordance with PPS23 and policy 13(p) of the North Northamptonshire Core Spatial Strategy which seeks to protect and not degrade soil quality.

7. Sustainable Construction and Energy Efficiency

Policy 14(b) of the North Northamptonshire Core Spatial Strategy requires residential for 10 dwellings or more to meet at least 10% of energy demand on site and renewably.

The submitted Sustainability Statement the use of solar thermal panels on the roofs of each dwellinghouse will achieve a 10% saving. A condition is therefore to be added for the solar panels to be installed in line with the solar panel details also submitted.

The Supporting Sustainability Appraisal and Energy Statement includes a commitment to a Waste Management Scheme during construction and space for waste and recycling facilities at each property. The statement also proposes sustainable construction measures. There is a commitment to provide water saving measures within the homes, a water butt for each property and porous hard landscaping. All these measures can also be secured by condition to ensure compliance with Policy 14 of the North

Northamptonshire Core Spatial Strategy.

8. Drainage

A drainage plan has been submitted which covers this and the adjacent site which was considered acceptable to discharge a surface water and waste water drainage condition on KET/2009/0657. A condition is to be added to ensure surface water and waste water drainage is carried out in accordance with the plan received. This will ensure compliance with policy 13(q) of the North Northamptonshire Core Spatial Strategy.

9. Developer Contributions

The application site benefits from an extant permission for 11 no. dwellings and is covered by a Unilateral Undertaking in relation the outline application KE/04/0317 which covered areas 4C, 6A and 6C. This agreement excludes section 106 contributions from the development on this site, meaning the applicant could build out the extant permission for 11 dwellings without making any developer contributions towards affordable housing and education provision.

The developer in this instance is seeking to secure permission for 14 smaller dwellings, rather than 11, as a response to changing demand in what is now a more challenging housing market.

Developer contributions have been requested for education provision relating only to the three additional dwellinghouses. As this site is part of the original Mawsley development, which secured green infrastructure such as open spaces and community infrastructure such as the Community Centre, it is not considered there is sufficient evidence in this case in relation to the three extra dwellings to secure further provision.

As such, only a contribution towards education will be secured by a section 106 agreement.

10. Other Issues Raised

A foul pumping station is located to the southwest of the application site and has a 15 metre easement round it which is required by Anglian Water. This 15 metre easement area, which is shown on the site layout plan, falls within the application site and runs along the rear elevations of plots 1 to 3 and halfway across the garage of plot 4.

Anglian Water requires the easement to contain no habitable buildings or structures in order to minimise the risk of odour, noise and nuisance, and to allow for maintenance.

This easement is a requirement outside the control of the planning system and it is the responsibility of Anglian Water and the developers to control any issues arising.

Conclusion

In accordance with the requirement of s.38(6) of the 2004 Planning Act, the proposed development is considered to be in accordance with the provisions of policies of the Development Plan and with no other material considerations indicating against it, it is recommended that the application be approved subject to the imposition of recommended conditions and the accompanying s.106 agreement.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

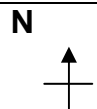
Date:

SITE LOCATION PLAN

Phase 6 C, Mawsley
Application No.: KET/2011/0314



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