

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 30/03/2010</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Susan Garbutt Development Officer</b>	<b>Application No: KET/2009/0657</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>Mawsley (land at),</b>	
<b>Proposal</b>	<b>Full Application: Erection of 14 no. two storey dwellings with associated access and parking</b>	
<b>Applicant</b>	<b>John Barrett Homes</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 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. No development 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: To protect the privacy of the occupiers of adjoining properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

3. No development shall commence on site until details of the types and colours of all external facing, roofing and window materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

4. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the

Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

REASON: In the interests of visual amenity in accordance with policies 13 and 14 of the North Northamptonshire Core Spatial Strategy 2008.

5. 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: To prevent pollution of the water environment in accordance with policies 13 and 14 of the North Northamptonshire Core Spatial Strategy 2008.

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 shall not commence until parts A to D have been complied with. 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.

7. Before the development hereby permitted is begun, a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement 1 Supplement: Planning and Climate Change, December 2007 or any subsequent version) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the 10% will be achieved and all implications for the external appearance of the development. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy 2008.

8. No development 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 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 property in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 North Northamptonshire Core Spatial Strategy 2008.

10. Before the development hereby permitted is first occupied or used, 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 2008.

11. The first floor window on the western elevation of Plot 4 shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy 2008..

12. The development shall be completed in accordance with the Sustainability Appraisal and Energy Statement (received 11 January 2010) 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.

REASON: To secure energy efficiency and sustainable construction in accordance with the requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy 2008.

13. 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 2008.

14. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details submitted with the application and shown on drawing numbers 13/RP1/02B Site Layout, 13/RP1/09B Plots 1/2/3, 13/RP1/08B Plot 4 and JKK3247-118-B Vehicle Tracking received 10 March 2010, drawing numbers 13/RP1/07B Plots 5/6, 13/RP1/04A Plot 8 and 13/RP1/05A Plot 9

received 5 March 2010 and drawing numbers 13/RP1/06 Plot 7, 13/RP1/10 Plots 10/11 and 13/RP1/11 Plots 12/13/14 received 29 October 2009.  
REASON: For the avoidance of doubt.

Notes (if any) :-

- The development should be built to attain the ACPO CPI Ltd 'Secured by Design' (SBD) awarded. 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](http://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.  
Rear fencing that abuts open ground should be 1.8m close boarded fencing topped with 300mm of trellis.  
Internal fence panels should remain at 1.8m for the full length of the garden, to prevent garden hoppers.  
This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

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 14 dwellings proposed are in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. In this case, the material considerations of the Mawsley development history and the existing permission on the site (which allows for

11 homes to be built on the land with no S106 contribution) have been taken into consideration. The application is recommended for approval subject to the stated necessary conditions and the signing of a S106 Agreement by the 12th April 2010 to secure education contributions.

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

KET/2008/0789 – Approval of reserved matters: Landscaping of areas 4a, 6a and 6c 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/2007/0403 - Approval of Reserved Matters: Access, Appearance, Layout and Scale for 29 no. 2 and 2.5 storey dwellings APPROVED 11/02/2008

KET/2005/0387 Approval of Reserved Matters: Construction of remaining infrastructure roads KET/2004/0317 APPROVED 17/06/2005

KE/04/0317 – Outline for residential development areas 4c, 6a and 6c. REFUSED 29/07/04 GRANTED ON APPEAL 07/09/2005 (S106 number KBC93 signed 18/05/2005 but S106 specifically excludes this site)

KE/04/0186 - Areas 4C, 6A & 6C Approval of Reserved Matters: Infrastructure: sewers serving remaining land at Mawsley, including foul pumping station APPROVED 13/05/2004

KE/2000/0594 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 13/12/2000

KE/1999/0415 - Application to vary conditions attached to outline consent for Mawsley new village (KE.95.0016) APPROVED 06/08/1999

KE/1999/0216 - Application to vary conditions attached to outline consent for Mawsley new village (KE.95.0016): Highway condition no. 21 REFUSED 07/06/1999

KE/1995/0016 – Outline application for 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 187 signed 11/05/1997, S106 number 186 signed 17/12/1998)

#### **Site Description**

Officer's site inspection was carried out on 02/02/2010. The site is located on the north-eastern edge of Mawsley village. The site levels are consistent and the site is currently vacant. The site is close to Cransley Lodge, which is situated outside of the village, to the north of the site. The site borders existing housing to the east, Hawthorn Road to the south, land with permission for housing to the west and open countryside to the north.

### **Proposed Development**

The proposal is for the construction of 14 dwellings (4 x four bed, 9 x three bed and 1 x two bed). The development is to form part of the small cul de sac called Orton Close, which is off Hawthorn Avenue.

### **Any Constraints Affecting The Site**

None

## **4.0 Consultation and Customer Impact**

### **Northants Bat Group**

No objection as long as the original EIA details and recommendations are adhered to and noted.

### **North Northants Badger Group**

No comment.

### **Natural England**

No objection. Satisfied an ecological appraisal of the site is not required.

### **Northamptonshire Police**

No objection, suggests various informatives.

### **KBC Environmental Health**

No objection subject to conditions relating to contaminated land and working hours for construction sites.

### **KBC Community Services**

Capital contribution of £7,885 required towards open/play spaces, green corridors and community facilities.

### **Anglian Water**

No water service, or wastewater service issues identified.

### **NCC Education**

Require S106 contributions towards primary, secondary and sixth form places. (based on the latest DCSF cost multipliers 3 units = £21,222).

### **NCC Highways**

No objection in principle. Some concerns relating to the site layout – potential for conflict in relation to vehicles reversing from the existing parking area and garages adjacent to plot 14, potential for conflict between vehicles reversing out of plots 8 and 9 and limited (4m) reversing space on plot 7.

### **Parish Council**

No objection.



## **PCT**

No comments received.

## **Fire and Rescue**

No comments received.

## **Neighbours**

One comment received – points out that the plan of 21/23 Pasture End (opposite the site) is incorrect as it shows one dwelling rather than two. The impact of the development is therefore greater on the visual outlook of those two dwellings. Back gardens of 21 and 23 will be overlooked by new properties. There is likely to be parking outside of the new properties on Hawthorn Road, causing danger and potential for accidents, especially as the road is not adopted.

## **5.0 Planning Policy**

### **National Policies**

PPS3: Housing

PPS23: Planning and Pollution Control

### **Development Plan Policies**

#### **East Midlands Regional Plan**

Policy 1. Regional Core Objectives

Policy 2. Promoting Better Design

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

Policy 1. Strengthening the Network of Settlements

Policy 6. Infrastructure Delivery and Developer Contributions

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

## **6.0 Financial/Resource Implications**

### **Section 106**

Education - Contributions towards primary, secondary and sixth form places (based on the latest DCSF cost multipliers 3 units = £21,222).

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Housing mix and density
3. Design and Character
4. Amenity
5. Sustainability and Energy
6. Highways and parking
7. Crime
8. Contamination
9. Lighting
10. Landscaping/boundary treatment
11. Ecology
12. Drainage
13. Developer Contributions

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

Mawsley village is a new settlement which was the result of policy RA2 from the Local Plan of 1995. That policy is not a saved policy and as such this application will be considered in relation to current Development Plan policies and material considerations, such as the site history.

The site is within the boundary of Mawsley village, as created by the original outline planning permission granted in 1995 (KE/1995/0016). The site is also part of a larger site granted outline consent in 2005 (KE/04/0317) and reserved matters consent in 2008 (KET/2008/0789 and KET/2007/0403). Consent KET/2007/0403 has been implemented in part, with the access road in place and 7 dwellings already constructed to the east of this application site. This application differs from the extant permission in that there are 14 dwellings proposed on the area that currently has consent for 11.

The adopted North Northamptonshire Core Spatial Strategy (CSS) sets out that Mawsley is classed as within the Rural Area where development should take place within village boundaries (Policy 1). The principle of residential development on this site is therefore considered to be in accordance with Policy 1 of the CSS.

### **2. Housing mix and density**

The site area is 3477sqm. The national minimum housing density is 30 dwellings per hectare, as set out in PPS3. To meet this, the site would need to accommodate at least 10 dwellings. The 14 proposed is therefore considered to be an efficient use of the land available.

The proposed housing mix is 4 x four bed, 9 x three bed and 1 x two bed. These unit sizes are considered to be in accordance with the Council's housing strategy of providing family housing.

Overall the mix and density proposed is in accordance with the guidance in PPS3, and the regional core objectives in Policy 1 of the East Midlands Regional Plan 2009.

### 3. Design and Character

All dwellings on the site will be accessed from Orton Close. The majority of dwellings are located on the site in a similar orientation as per the existing planning permission KET/2007/0403. For example, dwellings to the north all face south, dwellings to the south face Hawthorn Avenue.

However, the dwelling on plot 8 to the west of the site is closer to the western boundary; now 5 metres from the dwelling permitted on the adjacent site (previously 12 metres). The layout and design of this plot is acceptable and does not detract from the character of the development as a whole.

Plot 3 has a blank elevation to the dwellings which face it. Although this is not ideal, it can be softened with appropriate landscaping (see below).

The design of the dwellings is similar to those on the extant permission, and will be complementary to the design of the existing dwellings in this part of the village. The dwellings which face onto Hawthorn Road have a strong frontage to the road and provide overlooking.

The materials proposed are the same as those approved for the extant permission (through the discharge of condition); brick, concrete tile, stonework and white timber windows. Due to the revised layout, number of dwellings and revised house types, it is considered appropriate to condition the approval of materials to ensure they are appropriate. Overall, the design proposed is considered to be of sufficient design quality to be appropriate in Mawsley and accord with Policy 2 of the East Midlands Regional Plan (EMRP) 2009 and Policy 13 of the CSS.

Many dwellings in Mawsley have restricted permitted development rights. This includes many properties on Hawthorn Avenue. This has been done to ensure that the distinctive character of the village is not eroded by design changes, such as the replacement of windows, porches, extensions, driveways etc. that could normally be undertaken without the need for a planning application. The properties both sides and opposite the site do not have PD rights removed. As such, it is not considered necessary or appropriate to remove PD rights from the new properties on this site.

### 4. Amenity

Potential for overlooking and loss of light have been considered. There were some issues of overlooking between plots 9 and 10, plot 8 and the permitted dwelling to the west, and between plots 4 and 5. These have been addressed by revised drawings received 10<sup>th</sup> March 2010. A condition has been added to ensure the first floor bathroom window on the western elevation of plot 4 is obscure glazed.

The orientation of the proposed buildings and their relationship with the existing and permitted adjacent dwellings means there will be no loss of light issues. The development is therefore in accordance with Policy 13 part L of the CSS.

Environmental Health has recommended that the working hours for construction are restricted as the site is adjacent occupied dwellings. A condition has been added to this effect.

#### 5. Sustainability and Energy

Policy 14 part (b) of the CSS requires that sites of over 10 dwellings meet at least 10% of energy demand on site and renewably. The applicant has submitted a Sustainability Statement (received 10 March 2010) which states that by using solar thermal panels on the roofs, a 10% saving can be achieved. A condition requiring the details how the 10% saving will be achieved and the impact of this on the appearance of the dwellings is recommended.

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 CSS.

#### 6. Highways and parking

The site layout drawing (received 10 March 2010) states that the site will provide 15 garaged parking spaces and 15 driveway spaces. Each dwelling has one garage space and one driveway space, except plot 8 which has two of each. PPS3 Housing states that local authorities should take account of expected levels of car ownership in residential areas. In this case, 30 spaces for 14 dwellings are not considered excessive provision, considering the village location.

The Highways Authority has raised no objection in principle but had some concerns relating to the site layout. A Vehicle Tracking Plan was submitted by the applicant to address these concerns. Some concerns remain in relation to plot 14, plots 8 and 9 and plots 5 and 6. However the concerns are in relation to reversing visibility, which can be maximised by appropriate low level planting (which is controlled by landscaping condition) and due to the cul-de-sac location the concern is considered to be minor.

The application is therefore considered to satisfy the requirements of PPS3 and Policy 13 parts D and N of the CSS.

#### 7. 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 can be secured by condition. The development is considered to be in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

## 8. Contamination

PPS23 suggests that development for a sensitive use, such as residential schemes, should adopt a precautionary principle in respect of potential contamination issues. The Council's Environmental Health department has noted that the underlying geology of the area exhibits unacceptable levels of naturally occurring arsenic and could be a risk to future occupiers. A condition is therefore suggested which requires investigation and remediation measures if necessary. This approach is considered to be in accordance with criterion P of Policy 13 of the North Northamptonshire Core Spatial Strategy 2008 which seeks to protect and not degrade soil quality.

## 9. Lighting

A Lighting Assessment has been submitted with the application. Street lighting is proposed, but only low level access/safety/security lighting to the properties. No details have been provided. Although this is an edge of village location, close to the farm of Cransley Lodge, this is not considered a location where there is potential for harm to near neighbours from light pollution. The development is therefore in accordance with Policy 13 part L of the CSS.

## 10. Landscaping/Boundary treatment

The applicant is proposing a mixture of brick screen walls and 1.8 metre high timber close boarded fence for boundary treatment. A landscaping layout plan (13/RP1/LP) was submitted but this provides insufficient detail on all boundaries and how the boundary treatment and landscaping will work in combination to provide a satisfactory landscaped environment appropriate to this edge of village location. Therefore, it is considered that appropriate landscaping and boundary treatment for the development can be secured by condition to comply with Policy 13 of the CSS.

## 11. Ecology

A consultation response of 'no objection' has been received from Natural England, who are happy that the site has been sufficiently cleared and therefore is of negligible nature conservation interest. An ecological appraisal is not required and the application therefore satisfies Policy 13 part O of the CSS.

## 12. Drainage

To ensure that surface water drainage does not discharge from private properties onto the highway, a scheme of surface and waste water drainage will be secured by condition to meet Policy 13 part Q of the CSS.

## 13. Developer Contributions

As discussed above, the site benefits from extant permission for 11 dwellings and is covered by a Unilateral Undertaking in relation the outline application KE/04/0317 for a larger site. That agreement does not secure any S106

contributions from the development of this part of the site. In essence, the applicant could build out the extant permission for 11 dwellings without making any developer contributions.

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. The Council are keen to see the development of Mawsley village completed.

Developer contributions have been requested for education provision (relating to the three extra dwellings) and for open/play spaces, green corridors and community facilities. 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. In this instance, and for the reasons set out above in relation to the particular circumstances of this site in this village, only a contribution towards education will be secured by a S106 Agreement. The development is therefore in compliance with Policy 6 of the CSS.

#### 14. Comments on other points raised by proposal:

A neighbour of the site raised the issue of the whether the submitted plans show the correct layout of 21/23 Pasture End, situated opposite the site. The plans held by the Council confirm that the neighbour is correct. However, the rear elevation of the properties are 25 metres from the front elevation of the nearest proposed new dwelling (plot 5). This is considered to be sufficient distance to ensure overlooking of habitable rooms is not an issue. The back gardens of 21/23 Pasture End are behind a strip of planting/landscaping and a close boarded fence of approximately 1.8m in height and 14 metres from the front elevation of plot 5. No concerns regarding the potential for parking on Hawthorn Road have been raised by the Highways Authority. It should also be noted that the extant permission also had a dwelling in this location, and this could be built now. The concerns of the neighbour are noted but they are considered to be unfounded in this case.

### **Conclusion**

The 14 dwellings proposed are in accordance with the relevant policies of the Development Plan and there are no material considerations which indicate planning permission should not be granted. In this case, the material considerations of the Mawsley development history and the existing permission on the site (which allows for 11 homes to be built on the land with no S106 contribution) have been taken into consideration. The application is recommended for approval subject to the stated necessary conditions and the signing of a S106 Agreement by the 12<sup>th</sup> April 2010 to secure education contributions.

### **Background Papers**

Title of Document:

### **Previous Reports/Minutes**

Ref:

Date:

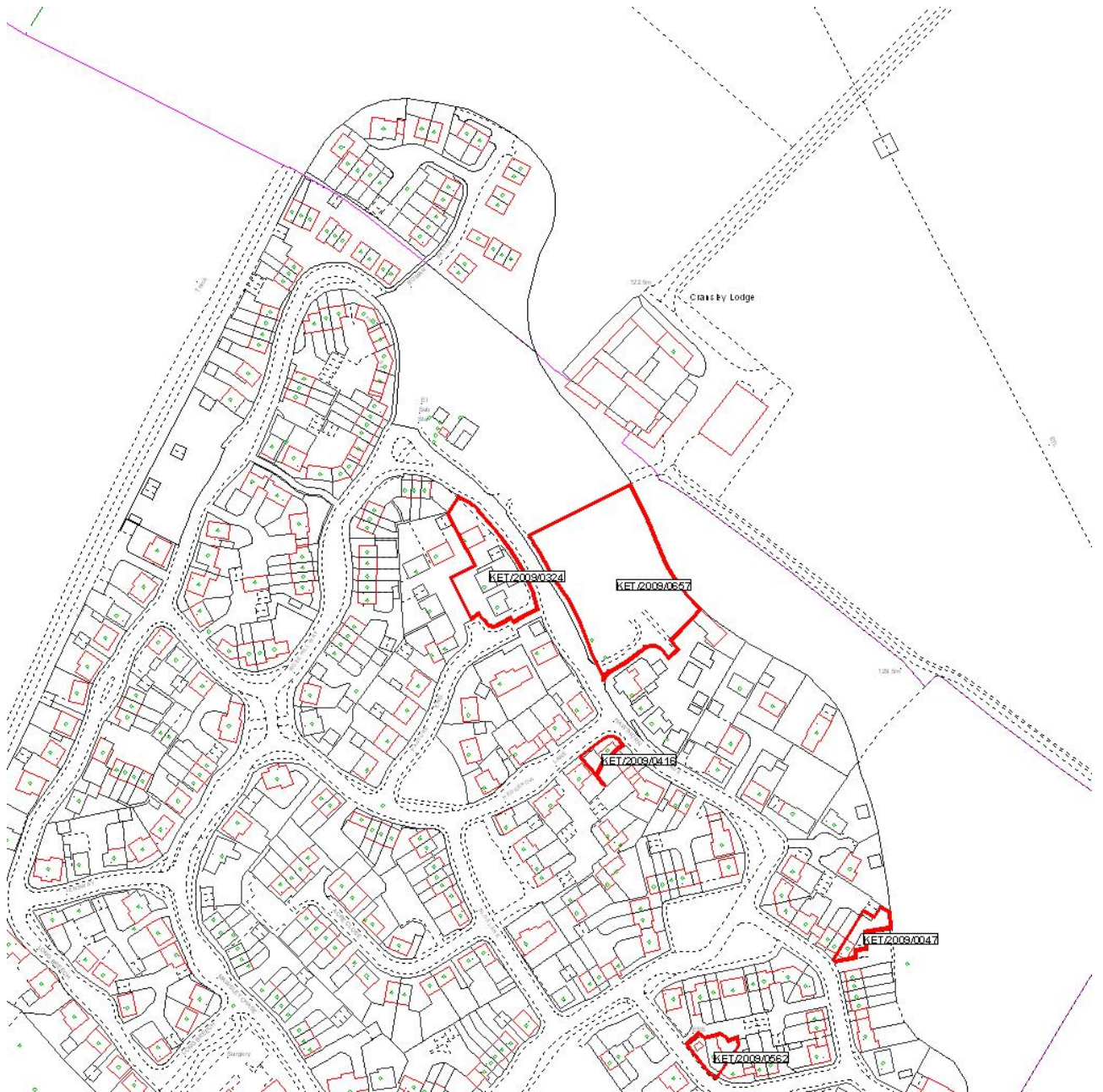
Contact Officer:

Date:

Susan Garbutt, Senior Development Officer on 01536  
534316

# SITE LOCATION PLAN

Mawsley (land at),  
Application No.: KET/2009/0657



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