

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 08/04/2014</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Fjola Stevens Development Officer</b>	<b>Application No: KET/2013/0714</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>Higham Road (Land off), Burton Latimer</b>	
<b>Proposal</b>	<b>Outline Application: Residential development for up to 199 dwellings with access</b>	
<b>Applicant</b>	<b>Ms C Grisedale Gladman Developments,</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 completion of a S.106 OBLIGATION in accordance with the agreed timetable in the extension of time procedure, and the following conditions:-

1. 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.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected, the means of access to the site 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

3. 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.

4. 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.

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

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

6. 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 preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policies 13 of the North Northamptonshire Core Spatial 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 c 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 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, 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 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

8. The landscaping details required by condition 1 above shall include a scheme of hard and soft landscaping works (including boundary treatments) which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space

areas. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner. 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.

9. Prior to the commencement of the development hereby permitted, a scheme for the generation of 10% of the predicted energy requirement for the development on-site or from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

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

10. No development shall take place on site until a scheme for the protection of all trees and hedgerow to be retained (as identified in the submitted Arboricultural Report produced by FPCR Rev. B dated November 2013) produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the method of excavation, method of construction and protective fencing. The development shall not be carried out other than in accordance with the approved details and the protection measures shall be maintained throughout the development.

REASON: To avoid detriment to hedgerows and trees to be retained in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. No excavations, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.

REASON: To avoid detriment to the adjacent tree/hedgerow in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. The dwellings shall be constructed so as to provide the level of sound reduction in accordance with the report reference LE120525/001 dated October 2013 by Wardell Armstrong to ensure that the guideline levels set out in British Standard 8233:1999 for 'good' standard of residential accommodation are complied with. Upon completion of all works and before occupation, a scheme detailing the methodology for monitoring the effectiveness of the sound reduction measures and the competency of the person carrying out the monitoring must be submitted to the local planning authority for approval.

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

13. Sound reduction testing as required by condition 13 must be carried out in accordance with the approved scheme and a completion report submitted to the local planning authority within six weeks of testing. The dwellings shall not be occupied until the post completion report has been approved in writing by the local planning authority.

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

14. The sound reduction measures, buildings structure to include roof, doors, windows and external facades and any required post completion works shall thereafter be maintained without alteration unless prior written approval of the local planning authority is obtained.

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

15. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- i. Overall strategy for managing environmental impacts which arise during construction;
- ii. Measures to control the emission of dust and dirt during construction;
- iii. Control of noise emanating from the site during the construction period;
- iv. Hours of construction work for the development
- v. A daily log of all vehicles attracted to the site shall be kept and made available for inspection at the request of the local planning authority.
- vi. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure within the site;
- vii. Designation, layout and design of construction access and egress points;
- viii. Directional signage (on and off site);
- ix. Provision for emergency vehicles;
- x. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials solely within the site;
- xi. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- xii. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- xiii. Storage of plant and materials used in constructing the development within the site;
- xiv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- xv. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from construction works.

xvi measures to control the overspill of light from security lighting.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

16. Prior to the commencement of the development hereby permitted, details of measures to ensure that mud and other such loose material do not migrate onto the highway shall be submitted to and shall be approved in writing by the local planning authority. Such measures as may be approved shall thereafter be implemented and maintained for the duration of the construction period.

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

17. The development shall not commence until details of the following works (a and b) have been submitted to and approved in writing by the Local Planning Authority

and no part of the development shall be occupied until these works have been completed in accordance with the approved details:

a. The proposed site access junction on Higham Road

b. The provision of a new section of cycle track to connect with the adjacent development and its own requirements for widening the existing footway.

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

18. The total number of dwellings within the approved site shall not exceed 199.

REASON: In the interests of the amenities and character of the area and to secure a satisfactory form of development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

19. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewerage infrastructure on and off site has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

REASON: To ensure a satisfactory development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

20. The development hereby permitted shall not be carried out other than in accordance with the Recommendations contained in Section 4 of the submitted Ecological Appraisal produced by FPCR Rev. A dated September 2013.

REASON: In the interests of protecting and enhancing biodiversity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

21. No development shall take place until an Ecological Management Plan, which is in accordance with the recommendations and mitigation measures set out in Section 4 of the submitted Ecological Appraisal produced by FPCR Rev. A dated September 2013 and the submitted Arboricultural Report produced by FPCR Rev. B dated November 2013. The Ecological Management Plan shall include the provision of bat and bird nest boxes and the provision of a Green Infrastructure Corridor along the eastern boundary of the site. The development shall not be carried out other than in accordance with the approved details.

REASON: To ensure ecology is maintained and enhances in accordance with section 11 of the NPPF and policy 13 (o) of the North Northamptonshire Core Spatial Strategy.

22. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy

23. Prior to the commencement of the development, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the LPA and the development shall not be occupied other than in accordance with the approved scheme.

REASON: In the interest of fire safety in accordance with policy 6 of the North Northamptonshire Core Spatial Strategy.

24. The accesses hereby permitted shall be carried out in accordance with the approved Development Framework (5844-L-02 Rev. G) and each reserved matter shall generally conform with the Development Framework (5844-L-02 Rev. G) in terms of building road layout, open space and landscaping provision, including around boundaries with adjacent countryside.

REASON: To seek to design out crime and create a high standard of design in accordance with policy 13 (b and h) of the North Northamptonshire Core Spatial Strategy.

25. No development shall take place on site until details of the width, alignment, gradient, sight lines and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways have been

submitted to and approved in writing by the Local Planning Authority. The approved details, relevant to that phase or housing parcel, shall be fully implemented before the first occupation of any of the dwellings within that phase or parcel.

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

26. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1% critical storm will not exceed the run-off from the undeveloped site following corresponding rainfall event. Any attenuation required should include an allowance for climate change. This scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Demonstrate that the hierarchy of drainage has been followed.
- Detailed surface water design drawings and supporting calculations.
- Consideration of overland flood flows. Overland floodwater should be routed away from vulnerable areas. For acceptable depths and rates of flow, please refer to Environment Agency and Defra Document FD2320/TR2 "Flood Risk Assessment Guidance for New Development Phase 2".
- Details of how the scheme shall be maintained and managed after completion.

REASON: To prevent increased risk of flooding, both on and off site in accordance with the NPPF and policy 13(q) of the North Northamptonshire Core Spatial Strategy.

27. Prior to the commencement of development, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, and based on the particulars provided by Northamptonshire Highways Authority, which are attached to this decision notice, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of decreasing dependency on the private car in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

28. No development shall take place on the site until the applicant, or their agent, or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

REASON: To ensure features of archaeological interest are properly examined and recorded in accordance with NPPF paragraph 141.



29. A site specific Waste Management Strategy must be submitted to the Local Planning Authority accompanying the reserved matters application. The Waste Management Strategy must provide a strategy for a medium development and address the principles in the adopted Development and Implementation Principles Supplementary Planning Document.

REASON: To manage waste and ensure the efficient use of resources in accordance with policy CS8 of the Northamptonshire Minerals and Waste Development Framework Core Strategy and the adopted Development and Implementation Principles Supplementary Planning Document.

30. A site specific Waste Audit must be submitted to the Local Planning Authority accompanying the reserved matters application. The Waste Audit must provide for waste minimisation and management for a major development and address the principles in the adopted Development and Implementation Principles Supplementary Planning Document.

REASON: To ensure the minimisation of waste in accordance with policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Strategy and the adopted Development and Implementation Principles Supplementary Planning Document.

31. No dwellings along the northern edge of the development shall exceed 2 storeys in height.

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

## **Officers Report for KET/2013/0714**

This application is reported for Committee decision because the application requires an agreement under s.106.

### **3.0 Information**

#### **Relevant Planning History**

None

#### **Site Description**

Officer's site inspection was carried out on 3<sup>rd</sup> December 2013.

The application site is approx. 8.78ha of agricultural land on the northern side of Higham Road on the eastern edge of Burton Latimer. The site is an L shaped agricultural field with hedgerows along the boundary with Higham Road to the south and the A6 to the east. To the north there is agricultural land, whilst to the west there are two existing residential development under construction (White Lodge Farm and David Wilson Homes sites), and a potential site for residential development which is currently the subject of planning application KET/2013/0763.

There are existing field accesses from Higham Road and the A6, and also access to a public footpath that runs north to south from Church Lane to Higham Road and sits alongside part of the western boundary of the application site. The site slopes north to south with some small undulations across the site, and the site is visible from Higham Road to the south, the A6 to the east and also Wold Road to the north of the development.

#### **Proposed Development**

This application seeks outline planning permission for up to 199 dwellings with access. All other matters (layout, appearance, scale and landscaping) are reserved.

An illustrative layout has been provided, however this is only indicative to show how the dwellings, open space, footpaths and road layout could be provided on the site.

The proposal includes 30% affordable housing, with 40% being intermediate and 60% being social and/or affordable rent.

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

C Road  
Nene Valley NIA

### **4.0 Consultation and Customer Impact**

**Burton Latimer Town Council**

No objection. Issues to be considered:

- Roundabout on A6
- Cycleway to the northern side of Burton Latimer
- Bus stops on Higham Road
- Adequate parking for each dwelling, plus garages large enough to park a car
- No. of cul de sacs is a concern because they would not be adopted
- Concern that soakaways will have an adverse affect on all developments downhill of proposed development
- Details of main sewerage should be redefined before planning permission is granted
- Essential that provision is made for high speed broadband
- Houses should be level 4 and garages fit for purpose

### **Highways Agency**

05/12/13 and 21/01/14

Directs that planning permission not be granted for a specified period due to the impact upon J10 of the A14. A contributions strategy is required for the mitigation to the junction.

### **Highway Authority**

At the time of writing this report the Transport Assessment (TA) has not been agreed but please see officer comments. Summary of responses received:

24/03/14

Confirmation received of the travel plan requirements and the contribution required to deliver the travel plan is £55,100.00

21/03/14

Summary of S106 requirements (as listed below) and conditions requested in respect of control of mud on highway, construction management plan, access and road details, off-site highway works to provide cycle-way across the front of the site and management of proposed streets.

- A6/Higham Road Junction Improvements £27,000 (est)
- Higham Road/Finedon Road Junction Improvements £27,000 (est)
- Kettering Road Cycleway Improvements £35,012.57
- Public Transport £105,291.01

10/12/13

The Travel Plan is not adequate.

05/12/13

Comments provided in respect of the following:

TA – requires amendments

Access – Links with the adjoining developments should be provided and

emergency access off A6 should be removed  
Public Transport – a contribution is required towards improving the bus service and 2 bus stops are required on Higham Road.  
Walking and Cycling – improvements to the network is required and a contribution is sought towards cycle way improvements

22/11/13

The TA submitted is not fit for purpose.

### **Environment Agency**

31/01/14

Withdraw objection. Recommend conditions requiring surface water drainage scheme and foul drainage scheme.

23/12/13

Objection – The Flood Risk Assessment submitted does not comply with the requirements set out in paragraph 9 the Technical Guide to the NPPF. Accordingly we maintain our objection.

25/11/13

Objection – The Flood Risk Assessment (R/13580/002) submitted does not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF.

### **Anglian Water**

04/12/13

No objection.

Waste water treatment – The foul drainage from this development is in the catchment of Broadholme STW that at present has available capacity for these flows.

Foul Sewerage network – Connection into the local sewerage infrastructure will lead to an unacceptable risk of flooding downstream. Anglian Water has worked with the developer to produce a foul drainage strategy which identified the nearest point of connection and which, if adhered to, will mitigate the risk of downstream flooding. There is a feasible drainage solution which will allow the proposed development to discharge foul flows without having a detrimental effect on the existing sewerage network. A condition is required to secure mitigation measures.

### **Environmental Health**

23/11/13

No objection. Conditions requested to require a contaminated land assessment, noise mitigation measures and construction method statement.

### **Northamptonshire Wildlife Trust**

27/01/14

No objection – The Ecological Appraisal dated September 2013, prepared by FPCR to be broadly satisfactory and acceptable. The Wildlife Trust recommends that all of the relevant recommendations in respect of the retention, protection and enhancement/future management of the biodiversity of this local area, as included throughout the whole of Section 4 on “Discussion and Mitigation Recommendations”, of the FPCR document.

The majority of the site falls within the Nene Valley Improvement Area and the recommendation to provide a buffer strip should be the subject of a planning condition. The enhancements listed in the report should be the subject of a planning condition/included within the body of a conditioned Ecological Management Plan.

There is no overarching masterplanning of the GI network with the adjoining site which is the subject of KET/2013/0763.

**Nene Valley Nature Improvement Area Officer**

6/12/13

No objection. The recommended measures for ecological mitigation and enhancement would lead to a net gain in biodiversity.

**Natural England**

28/11/13

No objection. The proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England would encourage the incorporation of GI into the development. Standing advice has been provided in respect of protected species. The authority should consider securing measures to enhance the biodiversity of the site by incorporating roosting opportunities for bats or the installation of bird nest boxes.

**NCC Archaeology**

3/12/13

The application site has been identified as having the potential to contain archaeological remains. The proposed development will have a detrimental impact upon archaeological deposits present. This does not present an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. A condition requiring for an archaeological programme of works requested.

**Northamptonshire Police**

29/11/13

No objection – Advice provided in respect of connectivity and access routes, car parking, public open space boundary treatments and general crime prevention design advice.

**NHS**

06/02/14

Request for a contribution of £2,150 per dwelling to cover the increased

revenue costs of the 21 years lease term for the additional floor space required.

23/11/13

Request for a contribution of £621 per dwelling for the build costs for the additional floor space required.

### **KBC Community Services**

21/11/13

Request off-site contributions as follows:

Public open space £2,253

Community facilities £6,076

Sports facilities £180,896

The PPG17 assessment carried out for the application does not require a children's play area on-site, however the assessment does require 4,200 square metres of Natural & Semi-Natural Open Space, 3,700 square metres of Amenity Greenspace and 8,400 square metres for Outdoor Sports on-site.

### **KBC Housing Strategy**

25/11/13

No objection. The development should provide 30% affordable dwellings, with a split of 60% social/affordable rented and 40% intermediate dwellings. 1 and 2 bed units required for the social/affordable rented accommodation and 2 and 3 bed units for the intermediate housing. Provision of 1 bedroom bungalows would be welcomed.

### **NCC Development Management**

Request for contributions as follows:

Primary Education based on cost multipliers

Secondary Education based on cost multipliers

Fire and Rescue £92 per dwelling

Fire Hydrants – 4 hydrants

Libraries based on cost multipliers

Broadband – New developments should be served by high quality fibre networks.

### **NCC Planning Services**

03/12/13

Conditions requested for a Waste Audit and a Waste Management Facilities Strategy.

### **Sport England**

No objection

### **Neighbours**

4 letters of objection:

- Congestion on Higham Road

- A6 is already a noisy road and doesn't need extra traffic
- Amenities are stretched to limit already
- Concern about junction with A6
- Concern that there will be no access to church land to the north of the site
- Concern about flooding of equestrian land and brook to the north of the site

## **Planning Policy**

### **National Planning Policy Framework**

Core principles

S. 4 Promoting sustainable transport

S. 6 Delivering a wide choice of high quality homes

S. 7 Requiring good design

S. 8 Promoting healthy communities

S. 10 Meeting the challenge of climate change, flooding and coastal flooding

S. 11 Conserving and enhancing the natural environment

S. 12 Conserving and enhancing the historic environment

### **Development Plan Policies**

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

P. 1 Strengthening the network of existing settlements

P. 7 Delivering housing

P. 9 Distribution and location of development

P. 10 Distribution of housing

P. 13 General sustainable development principles

P. 14 Energy efficiency and sustainable construction

P. 15 Sustainable housing provision

### **Local Plan**

P. 35 Housing: Within towns

### **Emerging Policies (Local Development Framework)**

Site Specific Proposals Local Development Document (Housing Allocations Assessment of Additional Sites and Update October 2013)

### **SPGs**

Sustainable Design SPD

Biodiversity SPD

Open Space SPD

## **6.0 Financial/Resource Implications**

A Section 106 is required in order to secure contributions towards/provision of infrastructure as detailed in the report below.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Access, movement and connectivity
3. Design and Layout
4. Amenity
5. Housing Mix and Housing Density
6. Affordable Housing
7. Energy Efficiency and Sustainable Construction
8. Biodiversity, Green Infrastructure and Ecology
9. Landscape
10. Flooding, Drainage and Sewage
11. Heritage Assets
12. Contaminated Land
13. S106

#### 1. Principle of development

The NPPF sets out the Government's planning policies. The NPPF, in accordance with planning law, requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 47 of the NPPF requires local authorities to demonstrate a five year supply of housing against their housing requirements and that housing applications should be considered in the context of the presumption in favour of sustainable development.

The North Northamptonshire Core Spatial Strategy (CSS) sets out the overall development strategy for North Northamptonshire and was adopted in June 2008. Burton Latimer is a smaller town as defined by CSS Policy 1. Policy 1 of the CSS focuses development in the Growth towns with the smaller towns providing a secondary focal point for development. Policy 7 of the CSS requires Development Plan Documents to make provision for 13,100 homes in Kettering Borough in the period 2001 to 2021. Policy 9 of the CSS states that development will be distributed to strengthen the network of settlements as set out in Policy 1, and that development in the open countryside outside the sustainable Urban Extensions will be strictly controlled. This policy gives priority to the reuse of suitable previously developed land and buildings within the urban area, followed by other suitable land in the urban area.

Policy 10 of the CSS requires the construction of at least 700 dwellings in Burton Latimer in the plan period 2001 to 2021. The housing requirement set out in the CSS has been exceeded as a result of other developments in Burton Latimer. However these figures are indicative and not maximum figures, and the application is for a housing development of a scale which is considered appropriate for a town identified as a secondary focal point for development. The proposal adds to the housing land supply in a sustainable location.

Furthermore, in the appeal at Hawthorn Road in Burton Latimer (KET/2009/0546) the inspector accepted that growth in Burton Latimer



is an expected outcome of a strategy that involves concentrating development in a small number of settlements and restraining it elsewhere. It is therefore considered that proposed development will not give rise to significant adverse impact in Burton Latimer.

### **Emerging Policy**

The Joint Core Strategy (JCS) is currently being reviewed to consider the period to 2031. The emerging draft for consultation August 2012 identifies a housing requirement for Burton Latimer of 1,070 for the period of 2011 to 2031. The Site Specific Proposals Local Development Document (SSPLLD) identifies potential sites in Burton Latimer for housing developments. This document is afforded weight in the following regard: consultation undertaken to date, the draft policies and options within these documents support the development. It is a material consideration. Since the consultation on this document, the Housing Allocations Assessment of Additional Sites and Update Paper was endorsed for consultation by Planning Policy Committee on 30<sup>th</sup> September 2013 this site was included as a proposed allocated site (BL/180). The emerging policy therefore recognises the need for increased growth in Burton Latimer and identifies the application site as a preferred location to meet the housing needs.

### **Conclusion**

It is important to note that the Authority does have a demonstrable 5 year supply of housing sites, so there is no overriding imperative to grant permission for this reason. However delivery of housing is a nationally recognised priority and Burton Latimer is identified in the North Northamptonshire Core Spatial Strategy as a market town which will provide secondary focal points for development. The role of the higher order settlements in accommodating some growth is therefore recognised. The application site lies within the town boundary of Burton Latimer, recognised as being a sustainable location in the CSS by its designation as a secondary growth area in the spatial vision for Kettering Borough. The site is also within a settlement where further growth is recognised in the emerging policy, and as demonstrated by its allocation within the SSPLDD it is in a location where such growth is preferred. The development of the site for housing is therefore in accordance with the adopted and emerging development plans. The other material considerations are explored below, however none of them provide an over-riding constraint to the development.

### 2. Access, movement and connectivity

Policy 13(n) of the CSS states that new development should not have an adverse impact upon the highway network or prejudice highway safety.

The application was accompanied by a TA which has subsequently been amended. Further information has been submitted in respect of the impact of the development upon the highway network and a further response from the Highways Authority is anticipated prior to committee.

It is noted that a TA has been accepted on the adjoining site to the east (KET/2013/0763) and based on the assessments carried out of the junctions in Burton Latimer it is expected that the revised TA will demonstrate that the development would have an impact upon at least 2 junctions in Burton Latimer; the A6/Higham Road junction, and the junction of Higham Road/High Street/Finedon Road in the centre of Burton Latimer. Contributions to mitigate the impact of the development on these junctions have been agreed in principle and an update confirming that the Highways Authority have accepted the additional information will be provided at the Planning Committee.

The Highways Agency has advised that the development will impact upon J10 of the A14, and that this impact should be mitigated. The Highways Agency is therefore seeking a contribution to carry out improvements to the junction to mitigate the cumulative impact of the proposed developments and others which will also impact upon this junction. As such the Highways Agency have issued a Holding Direction to prevent the development being approved until such a time that a contribution towards a mitigation strategy for the junction has been agreed. The Highways Agency has confirmed that they will respond positively to the proposal once agreement on the works to J10 of the A14 has been reached. However this would not necessarily fit the time scale for the determining this proposal. Members at the Planning Committee will be advised how this will be dealt with.

The primary access into the site would be from Higham Road with a secondary access from the proposed development to the west (proposal for 110 dwellings on the adjoining land to the west is currently under consideration ref. KET/2013/0763). Two further vehicular access points are proposed from the David Wilson Homes development which is currently under construction to the west of the northern part of the proposed development. These additional access points will improve connectivity and will provide additional emergency access routes through both of the developments. Pedestrian links will also be provided to both of the developments to the west of the application site.

The Highways Authority has advised that the primary access point would not prejudice highway safety, being located on a relatively straight part of Higham Road with adequate visibility. The secondary access points and the pedestrian access routes ensure that there is good permeability through the site and therefore enhanced connectivity with the existing residential areas and the town centre of Burton Latimer.

At the time of writing this report the local planning authority is satisfied that the proposed development would not prejudice highway safety and that the proposal provides good connectivity and permeability in accordance with policy 13(n) of the CSS. Members will be provided with an update in respect of the impact upon the highway network and any necessary junction improvement works at the Planning Committee.

### 3. Design and Layout

Policy 7 of the NPPF requires good design that improves the overall quality of the area and Policy 13(o) of the CSS requires new development that respects and enhances its surroundings.

This is an outline application with layout, scale, appearance and landscaping all reserved and therefore the layout and detailed design is not to be considered as part of this application. The applicant has however submitted an indicative layout to demonstrate that up to 199 dwellings can be provided on the site with an appropriate density, an acceptable road layout comprising of the primary street, secondary streets, access lanes and private drives ensuring variety in respect of street scenes and characters within the site rather than being highway dominated, the provision of public open space, retention of most of the hedgerows around the edge of the site, and footpath links through the site.

In addition the Design and Access Statement submitted with the application states that the buildings will not exceed 2½ storeys, the maximum height of which would be approx. 10.5, with most of the dwellings being 2 storeys between 7.5-8.5m. The higher properties would be located adjacent to the main street through the development, facing onto internal public open space and at key corner plots to provide focal points through the development. It is considered that the predominant provision of 2 and 2 ½ storey buildings is appropriate given that these are the predominant house forms on the nearby developments. However, a condition is recommended to limit the dwellings along the northern edge of the development to being no higher than 2 storeys, along with suitable landscaping, in order to provide a scaled down and softer edge with the open countryside to the north.

Full details of the design, scale and location of the building will be dealt with at the reserved matters stage. The design of individual dwellings and amenity issues can be considered fully under the reserved matters application and due to the scale of the development it is not considered necessary to require a design code for this site. However, the Design and Access Statement indicates that there will be a mix of architectural detailing, provision of chimneys and a range of plan forms and roof structures to provide variation within the streetscene, all of which are welcomed.

The proposed road layout which incorporates a loop is welcomed to provide legibility within the site, and the provision of open space within the centre of the site will provide a green focal area within the development. The open space will also provide a good opportunity for the development to have a strong visual and physical connection with the proposed development on the land to the west if it is approved. Furthermore, the retention of the hedgerow around the edge of the site is important visually and ecologically. The detailed design of the layout,

including parking areas and the arrangement of properties will be dealt with as part of the reserved matters application.

It is considered that the information provided in the DAS and the indicative layout demonstrate that it will be possible to provide a development of up to 199 dwellings with a high quality design which would respect the visual amenity and character of the surrounding area. As such, the proposal accords with Section 7 of the NPPF and Policy 13(o) of the CSS.

#### 4. Amenity

The NPPF states in paragraph 17 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings. In addition, Policy 13(l) of the CSS states that new development should not have any unacceptable impact upon neighbours as a result of overlooking, loss of light, noise or other type of pollution.

The layout submitted with the application is indicative only and therefore the impact of the proposal upon future occupiers of the dwellings proposed cannot be assessed until the reserved matters stage. However the layout demonstrates that the proposed development could be achieved whilst providing sufficient distances between the proposed dwellings and the existing/proposed residential properties that surround the application site to ensure the buildings would not have an unacceptable impact in terms of overlooking, loss of light, or being overbearing. It is therefore considered that it will be possible to achieve a development that accords with the NPPF and Policy 13(l) of the CSS.

#### 5. Housing Mix & Density

Section 6 of the NPPF requires Local Planning Authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Section 6 of the NPPF allows Local Planning Authorities to set out their own approach to housing density to reflect local circumstances. Policy 15 of the CSS requires higher densities in locations that are most assessable on foot, cycle and public transport.

The application proposes a mix of 2 to 5 bed units, however the mix will be finalised at the reserved matters stage and there is likely to be a requirement for 1 bed units to meet the affordable housing needs. The area to be developed equates to 6.63ha and the Design and Access Statement indicates that the block densities would be between 20-40 dwellings per ha (an average of 30 dwelling per ha).

A higher density would result in a dense development on the edge of the town which would not respect the character of the surrounding area, and a lower density would not make the most efficient use of the land. It is therefore considered that the proposed density and housing mix is considered to be appropriate in accordance with policy 15 of the CSS.

## 6. Affordable Housing

Section 6 of the NPPF requires Local Planning Authorities to deliver a choice of homes and where a need is identified set out policies for meeting affordable housing need. Policy 15 of the CSS requires new housing developments to provide 30% affordable housing.

The current proposal provides for 30% affordable housing, providing 59 affordable units on the development of 199 dwellings. The Strategic Housing Market Assessment (updated 2012) identifies that social rent is more affordable than affordable rent housing and that there is a need for over 95% of affordable housing to be social/affordable rent rather than intermediate housing. However, it is accepted that this would not be viable for this development and therefore a mix of 60%/40% is considered to be acceptable.

The provision of affordable housing will be secured by S106 as set out above in Part 6 of this report and the mix can be agreed at the reserved matters stage and as such the proposal accords with policy 15 of the CSS.

## 7. Energy Efficiency and Sustainable Construction

Section 10 of the NPPF recognises the importance of reducing energy use and moving to the use of low carbon energy. Policy 14 of the CSS requires new development to incorporate techniques of sustainable construction and energy efficiency, including the provision for waste reduction/recycling, provision for water efficiency and water recycling and for a proposal of the size currently proposed 10% of the demand for energy should be met on site and renewably and/or from decentralised renewable or low-carbon energy supply. The Sustainable Design SPD requires the submission of sustainability information with each application.

The application is accompanied by a Renewable Energy Statement which explains that a fabric first approach will be taken to ensure that the buildings are highly efficient. Measures that will be incorporated include increased insulation, effective air tightness, improved controlled ventilation and reducing the effects of thermal bridging. The statement also confirms that the final strategy for the site in order to meet the requirement of policy 14 to provide 10% of the demand renewably will be based on the detailed design of the development. However, the report demonstrates that there are technologies available to meet the policy requirement and the aim of the detailed strategy will be to meet the on-site energy generation target of 10% whilst also providing a reduction in CO2 emissions by up to 16%.

It is considered that the information submitted demonstrates that sustainable construction and energy efficiency measures can be

incorporated in the detailed design for the development. Furthermore, a condition is recommended to ensure a detailed energy strategy is submitted for the development and that 10% of the energy demand for the development is met on site and renewably or from a renewable decentralised source. Therefore the proposal accords with Policy 14 of the CSS and the Sustainable Design SPD.

#### 8. Biodiversity, Green Infrastructure & Ecology

Section 11 of the NPPF requires the planning system to minimise the impacts on biodiversity and provide net gains in biodiversity where possible. Policy 5 of the CSS requires a net gain in Green Infrastructure and Policy 13(o) states that new development should conserve and enhance biodiversity. The application site is not affected by any statutory designations, however the site does fall within the Nene Valley Nature Improvement Area (NIA).

The application is accompanied by an Ecological Appraisal which includes recommendations to protect and improvement biodiversity. The report also demonstrates that the proposal would not harm any protected species provided mitigation measures are implemented. Furthermore the proposed Green Infrastructure which includes a landscape buffer to the east of the site and to the north of the site would enhance biodiversity.

The application is accompanied by an Arboricultural Survey which demonstrates that no trees are to be removed in order to facilitate the development. However, a small section of the hedge along the frontage of the site will be removed to facilitate the access into the site. This is a young hedge and therefore it is considered that its loss to facilitate the access is acceptable. Tree planting is proposed to provide a net gain and appropriate tree protection is recommended by condition.

The NIA is an area which has been founded on achieving a net gain in biodiversity, ecological connectivity and green infrastructure. The application is only in outline form at this time and therefore the layout of the development, the landscaping and green infrastructure which will form part of the detailed design of the proposal will be considered at a later date. However, the NIA officer has advised that the proposed recommendations in the report submitted would provide a net gain in biodiversity and therefore these will be the subject of a planning condition.

The Northamptonshire Wildlife Trust has advised that the recommendations contained within the report submitted are appropriate to protect and enhance biodiversity, subject to conditions to secure the recommendations and an Ecological Management Plan for the development.

It is therefore considered that subject to a condition which requires the recommendations contained within the Ecological Appraisal to be implemented, and also for a condition requiring an ecological management plan which takes into account the recommendations of the report, the development would conserve and enhance biodiversity in accordance with policy 5 and 13(o) of the CSS.

### 9. Landscape

Policy 13(o) of the CSS states that new development should conserve and enhance the landscape character making reference to the Environmental Character Assessment. The application site lies within the Central Northamptonshire Plateaux and Valleys character area. The assessment of this area notes that towns such as Kettering have exerted a strong urbanising influence over the surrounding landscape as a result of rapid expansion in the 20th Century. The assessment also notes that there are opportunities available to reconfigure the urban-rural interface.

The application site is visible from a number of vantage points including the A6, Higham Road and also Wold Road to the north. There is an area of visually important open space to the north of the site and the site would be viewed with this in the foreground from Wold Road and the Cemetery. Natural features within the site include hedgerows to the boundaries and also a stream which is a tributary to the River Ise which runs along the northern edge of the site. At present the ploughed field of the application site is a stark contrast to the pasture of the open space to the north of the application site and the vegetation between the two appears poorly managed. It is therefore considered that there are opportunities available to improve the appearance of the area.

The indicative masterplan submitted shows that the northern most part of the site would be a green buffer with a balancing pond and landscaping. The hedgerows around the site will be retained and the Design and Access Statement states that the proposed buffer within the site will be planted solely with native species. In addition, the stream will be cleared of litter, there will be careful thinning of the existing scrub and overhanging trees and protection of the banks to prevent erosion all of which will enhance the landscape.

The provision of green space along the northern edge of the development as shown on the indicative masterplan would also minimise the visual impact of the proposed development on the surrounding area, and the development would be viewed in the wider context of the other developments which are currently under construction from most vantage points.

It is considered that the proposed continuation of development along Higham Road would not be viewed as an incongruous addition to the rural edge of Burton Latimer, and the indicative masterplan demonstrates that a layout which respects the landscape to the north of

the site can be achieved. Therefore it is considered that the proposed development would not have an adverse impact upon the character of the surrounding landscape. The proposal therefore accords with policy 13(o) of the CSS.

#### 10. Flooding, Drainage & Sewage

Section 10 of the NPPF requires development to be directed to areas at the lowest risk of flooding, and new development should not increase the risk of flooding elsewhere. This requirement is also set out in Policy 13(q) of the CSS, which also requires new developments to incorporate Sustainable Urban Drainage (SUDs) where possible and lead to a reduction in flood risk.

The application site lies in Flood Zone 1, and therefore the area least at risk from flooding. Therefore, in principle the proposal is acceptable in terms of flood risk and the main issue is whether the proposed drainage is acceptable to meet the requirements of the NPPF and the CSS.

The application was accompanied by a Flood Risk Assessment (FRA) following amendments to the assessment the Environment Agency has confirmed that they have no objection to the proposal subject to surface water and foul water drainage conditions.

Anglian Water has advised that the development would result in an unacceptable risk of flooding and therefore a drainage strategy will be required to mitigate the development. A condition requiring the strategy is recommended and as such this does not represent an over-riding constraint to development.

Subject to the conditions requested by the Environment Agency and Anglian Water it is considered that the development accords with policy 13 of the CSS.

#### 11. Heritage Assets

Section 12 of the NPPF requires the impact on heritage assets to be considered when determining planning applications. Proposals that preserve or enhance a heritage asset should be treated favourably. Policy 13(o) of the CSS states that new development should conserve and enhance historic landscape.

The application site lies over 350m away from the Burton Latimer Conservation Area, and over 650m from the Grade 1 listed Church of St Mary. There are modern residential developments closer to both of these heritage assets than the current proposal, and it is considered that the proposed development is sufficiently removed from these heritage assets to ensure that it would not detract from the setting of these heritage assets.

The application site has been identified as having the potential to contain archaeological remains. Assessments of the land directly to the



west of the application site have found that the land was extensively quarried, however assessments of land further west along Higham Road found extensive evidence of Romano-British occupation and other activity including burials. The potential for archaeology however is not an over-riding constraint to development provided adequate investigation and recording of any remains that are affected by the development is carried out. A condition is recommended to ensure that an archaeological programme of works is carried out.

For the reasons set out above the proposed development would not have an adverse impact upon heritage assets and therefore the proposal accords with policy 13(o) of the CSS.

### 12. Contaminated Land

Due to naturally occurring contaminants in the North Northamptonshire Soil it is possible that a level of contamination harmful to health exists on the site. The application was accompanied by a Preliminary Investigation Report. Environmental Health has advised that they have no objection to the development in principle, however further investigation will be required prior to the commencement of development and as such a condition requiring a contaminated land assessment is recommended.

### 13. S106

Officers have sought contributions in line with the Community Infrastructure Levy Regulations (CIL Regs) that came into force in April 2010. The table below sets out the contributions agreed by the developers.

<b>Primary Education</b>	£743,615 (based on cost multipliers from NCC)
<b>Secondary Education</b>	£618,825 (based on cost multipliers from NCC)
<b>Allotments</b>	£4,066.30
<b>Community Centre</b>	£6,076
<b>Indoor Sports</b>	£152,163.00
<b>Travel Plan</b>	£55,100
<b>Junction Improvements</b>	£54,000 (2 x 27,000)
<b>Affordable Housing</b>	30% (indicative 60/40 split rented/intermediate)

Discussions are ongoing in respect of the following contributions:

<b>Public Transport</b>	£105,291.01
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<b>Cycleway Improvements</b>	£35,012.57
<b>Monitoring</b>	5% of total

As indicated the Highways Agency requested contribution towards improvements to J10 of the A14. Members will be advised at the Planning Committee in respect of the outstanding contributions.

### **Conclusion**

The application site lies on a preferred site as identified in the SLLD. The Council is able to demonstrate a 5 year housing supply, however the CSS identifies Burton Latimer as a smaller town that should accommodate growth and this proposal will contribute towards the provision of housing for the future need identified in the Core Strategy review. The proposal is in line with the spatial plan for Kettering Borough and it would be a sustainable development. Therefore the principle of development is acceptable and as set out in this report with the anticipation the Highways Agency will remove their holding there are no material considerations that indicate against the proposal.

The application is therefore recommended for approval subject to conditions and a S106 Planning Obligation to ensure that the necessary infrastructure and facilities are provided to mitigate the impact of the development on Burton Latimer and to meet the needs of the development.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

### **Previous Reports/Minutes**

Ref:

Date:

Fjola Stevens, Development Officer on 01536 534316