

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2014</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2014/0227</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>Kingfisher Way (land off), Burton Latimer</b>	
<b>Proposal</b>	<b>Approval of Reserved Matters: KET/2012/0732 (Residential development with associated infrastructure, landscaping and public open space)</b>	
<b>Applicant</b>	<b>Mr B Maynard, Linden Homes Midlands,</b>	

### **1. PURPOSE OF REPORT**

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

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. During site clearance and during and after construction, measures to protect the root systems of retained trees within the site, or those at the site boundary both within and outside the site, shall be carried out in accordance with the recommendations shown in the Arboricultural Implications Assessment and Arboricultural Method Statement, 2555.AIA.BurtonLatimer.Linden Revision A, received by the Local Planning Authority on 19th August 2014, and in accordance with the Tree Constraints Plan with Layout Plan, 2555.AIA Revision A and the Tree Protection Plan, 2555.TPP Revision A, both received by the Local Planning Authority on 18th August 2014, unless further documents and plans are first submitted to and approved in writing by the Local Planning Authority. Throughout the whole construction period there shall be no works carried out or storage of any materials of any description within any temporarily fenced off canopy areas. The works should be carried out in accordance with all relevant provisions of BS 5837:2012 British Standard Construction in relation to Trees to secure good arboricultural practice.

REASON: To ensure the continuity of amenity value afforded by the trees, to ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root systems in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

2. Prior to the commencement of development a scheme for the storage of bins for plots Nos. 3 to 8 inclusive and plot Nos. 18 to 24 inclusive shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be constructed in accordance with the approved plans prior to first occupation of the properties and shall be retained in that form thereafter.

REASON: In the interests of the amenities of surrounding occupiers and in the interests of pedestrian and highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The development hereby permitted shall not be carried out other than in accordance with the plans and details as shown on the attached plan list.

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

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gate, fence wall or other means of enclosure permitted by Schedule 2, Part 2, Class A of the Order shall be erected or constructed in the front gardens of the dwellinghouses hereby approved.

REASON: To maintain pedestrian and vehicular visibility across the site in the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2014/0227**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2012/0732. Outline. Residential development with associated infrastructure, landscaping and public open space. Approved 11/06/2013.

#### **Site Description**

The application site is a Greenfield site outside of but adjacent to the western edge of the settlement boundary of Burton Latimer and is to the south of a recent housing development. Further residential development is to the east. Open countryside is to the south and west.

The application site, as shown within the red line boundary, totals 2.45 hectares in area, of which 1.7 hectares has been set aside for the proposed residential development. The remainder of the site is made up of the Burton Latimer Pocket Park which also extends outside the site further to the west and north, enveloping the existing residential development on the Kingfisher Way estate.

The area of the site set aside for the proposal comprises unmanaged, overgrown meadow bisected by a hedgerow of approximately 133 metres in length. The land slopes downwards towards the west and the River Ise, with a difference in land levels of approximately 10 metres from northeast to southwest corner. In the western field there is a more prominent slope downwards northeast to southwest as well as in an east to west direction.

The boundary to the west of the west field separates this part of the application site from Burton Latimer Pocket Park, of which a small part is within the application site. This boundary is made up of a hedgerow approximately 181 metres in length with a low post and wire fence on the Pocket Park side preventing access from the west field into the Pocket Park.

The north and east boundaries of the whole site consist of 1.8 m high wooden panel garden fences for the existing properties in Teal Close, Bunting Close, Kingfisher Way and Mallard Drive.

The southeast boundary consists of a hedgerow approximately 231 metres in length which has a gap in it approximately 13 metres long. For the purposes of the Hedgerow Regulations 1997, the size of the gap does not cause this field boundary to be classed as two shorter hedgerows. Beyond the southeast boundary is open countryside and managed grassland which is used for recreational activities such as dog walking.

Burton Latimer Pocket Park is to the west of the application site and this area has paths and seating managed for amenity purposes. The Park is bounded

on the west side by the River Ise and the land slopes down towards the river in an east to west direction. To the west of the river is the Midland Mainline London to Sheffield Railway.

### **Proposed Development**

The proposal seeks approval for the reserved matters of appearance, landscaping, layout and scale for a residential development of 47 no. dwellinghouses with associated parking, infrastructure, landscaping and public open space. Outline planning permission, including the reserved matter of access, was granted by KET/2012/0732 on 11<sup>th</sup> June 2013.

The submitted scheme provides for 33 no. detached two-storey market dwellinghouses and 14 no. single and two-storey detached, semi-detached and terraced affordable dwellinghouses as follows:

#### Market Dwellinghouses

Three bedrooms

- 5 no. two-storey detached dwellinghouses with integral single garages.

Four bedrooms

- 28 no. two-storey detached dwellinghouses with either single or double attached or detached garages.

#### Affordable Dwellinghouses

One bedroom

- 4 no. maisonettes in a two-storey semi-detached building with 1 no. associated parking space per maisonette.

Two bedrooms

- 1 no. single storey detached dwellinghouse with 2 no. associated parking spaces.
- 4 no. two-storey terraced and semi-detached dwellinghouses with 2 no. associated parking spaces per dwellinghouse.

Three bedrooms

- 5 no. two-storey terraced and semi-detached dwellinghouses with 2 no. associated parking spaces per dwellinghouse.

Changes to the layout were requested following the initial consultation responses in respect of the electricity sub-station, highway and natural surveillance issues, the orientation of dwellings within their plots and in relation to each other, the location of first floor openings and the rear plot depths. A general reconsultation was carried out on 9<sup>th</sup> July.

Further amendments to the highway layout were requested and a reconsultation with the Highway Authority was carried out on 12<sup>th</sup> August, and subsequently on 18<sup>th</sup> August.

In addition to this reserved matters application, the applicants have been discharging conditions on the Outline planning permission (KET/2012/0732) relating to condition 5 (Contamination), 7 (Construction Management Plan), 11 (Sustainable Construction), 14 (Surface Water Strategy), 17 (Archaeology), 18 (Materials), 22 (Hard Surfacing Materials), 25 (Badger sett), 27 (Tree felling),

28 (Site clearance) and 29 (Noise Insulation), under reference AOC/0732/1201.

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

Adjacent to Burton Latimer Pocket Park

Within the Nene Valley Nature Improvement Area Boundary

The western edge of the site is within flood zone 3

Outside Burton Latimer town boundary

## **4.0 Consultation and Customer Impact**

### Initial Consultation

#### **Burton Latimer Town Council**

- Objection.
- The proposed balancing pond is unnecessary given that a balancing pond currently exists approximately 60 metres from the Teal Close entrance to the Pocket Park. It is considered that this has sufficient capacity to meet the development needs.
- Should therefore be assessed to ascertain its suitability to avoid the need to construct a second balancing pool.
- Steps to be taken to obtain evidence that Badgers exist before works undertaken to relocate them. If evidence exists, TC fully supportive of relocation provided there is minimal disruption to the Pocket Park environment.
- The developer should be required to locate a dog bin at the southern end of the site.
- The 2 no. proposed entrances to the Pocket Park should be constructed so that they either include a motorcycle inhibitor or a 'kissing gate'.

#### **Environment Agency**

- No objection.
- The On-site Roads and Drainage Report – 4<sup>th</sup> April 2014 confirms the principles of the surface water drainage scheme but does not include detailed design.
- The surface water strategy proposed on the drainage strategy drawing is very similar to that proposed in the approved outline FRA.
- The drainage strategy drawing shows an area for the pond, including its size which could be extended northwards, if required.
- Development must be carried out in accordance with Condition 15 (of KET/2012/0732) and as such, if the layout of the development needs changing to account for the surface water scheme, a revised reserved matters application may be required.

#### **Environmental Health**

- No comment or objection to make.

#### **Highway Authority**

- Colsterworth houses have substandard integral garages with internal widths of 2.3 metres which no-one will, in reality, use to park a car.

Unless there is to be an increase in garage size to that in our Standing Advice then the house type will have to change to one with a separate garage.

- On Plots 28-30 this will encourage the use of frontage for parking, probably for 2 no. cars, meaning the houses are too close to the back of the footway on the living room side. Distance is just over 4 metres which means cars using this area will overhang the footway and cause an obstruction to pedestrians. With a compliant garage, this type of house type is acceptable in these locations. Internal dimensions would be 3.3 metres wide by 6 metres deep. There is 500mm available to gain on the drive as garage door to be set back 5.5 metres from the highway boundary.
- Perhaps the turning head could be converted to a spur type arrangement from a hammerhead, which may allow some re-jigging of the house locations.
- The loop and how the houses address the street pattern is positive and I would not like to see significant changes on site.
- The main street is to have a proper 1.8 metre footway on both sides as the 1 metre service strips are unsuitable for pedestrian use. The road to the west can still be formed as 1m/4.8m/1m shared surface street throughout with recognition of the need for legibility of the footway into the pocket park. This will ensure it does not lose its identity or get parked on.

#### **Natural England**

- No objection.
- Subject to the proposed development being carried out in strict accordance with the details of the application as submitted so as not to damage Southfield Farm Marsh Site of Special Scientific Interest (SSSI).
- Refer to standing advice for impacts on protected species.
- Site within an area to benefit from enhanced Green Infrastructure (GI) provision.
- Ensure sufficient information to fully understand the impacts of the proposal on the adjacent local wildlife site.
- Consider securing measures to enhance biodiversity of the site such as bat roosting opportunities and bird nest boxes.
- Enhance the character and local distinctiveness of the surrounding natural and built environment through green space provision and access to nature.

#### **Northants County Council Archaeology**

- No comment.
- Written Scheme of Investigation done and approved to discharge condition on outline (KET/2012/0732).

#### **Northants County Council Nene Valley NIA**

- The proposed hedgerow mix is species poor, at least two more species to be added which should be present in the existing hedgerows to preserve the local character – such as elm, elder, hazel, field maple and

- (if deemed arboriculturally appropriate) ash.
- BSH A22 Low Maintenance Grass Mix not appropriate for the southern corner of the site, prefer it to be sown and managed as a wildflower meadow. Emorsgate EM2 Standard General Purpose Meadow Mix includes species appropriate to the Burton Latimer/Kettering area. If this area expected to face great deal of wear, needs more durable sward and would suggest PFS8 Economy Wildflower Meadow Mix by Phoenix Amenity instead.
  - Broadly satisfied with the species in the Shrub Planting schedule as they include species attractive to pollinators.
  - Second half of the list (to be planted in the alternate beds) includes only tree species recommended in the RHS 'Perfect for Pollinators' list. Recommend substituting one species for one on RHS list, perhaps replacing *Viburnum davidii* with *V.tinus* which would more evenly distribute pollinator-friendly shrubs throughout the site.

### **Northamptonshire Police**

- Concerns that if not addressed will become crime and anti-social behaviour triggers.
- The development has turned its back on the pocket park. POS and pedestrian routes should be well overlooked and feel safe. Rear fences facing onto POS make the dwellings more susceptible to crime and anti-social behaviour. POS should feel safe and be designed to minimise hiding places. Having the rear fences backing onto the Pocket Park will enclose this space making people feel vulnerable.
- The development no longer integrates with its surroundings and makes the Pocket Park a separate entity with will lead to anti-social behaviour and crime.
- Pocket Park should be well overlooked from active rooms e.g. Living rooms and kitchens
- Suggest the design should still have the houses fronting the POS with a low (900mm or there about) fence between the houses and the park. The road layout would still need to be explored.
- Plots 3-6 and 22-24 have communal rear access alleyways. Could the house types be amended so that access is via an integrated gated alleyway (ginnel) between the houses?
- General crime prevention advice is that the development should be built to attain the ACPO Secured By Design award, dwelling security should be in accordance with and preferably attain SBD accreditation, the lighting scheme should consider both adopted and unadopted areas and the roads should be designed to keep speeds low and reduce the likelihood of 'circuits' that could be used for anti-social behaviour.
- NPPF seeks to promote more sustainable development, as it stands the development does not meet those requirements.

### **North Northants Badger Group**

- No comment to make.

### **The Wildlife Trust**

- No objection.
- If non-native species to be used for the landscaping scheme must be for the benefit of local wildlife as a source of nectar/pollen, as a means of attracting pollinating insects and also scent producing plants that would attract insects for bats and other things to feed on, and/or be a source of fruit/nuts/ seeds/berries. The non-native plants should not be chosen simply for their growing habitat, ground covering abilities and/or future low maintenance needs.
- The landscaping scheme refers to the seed mixture as 'Low Maintenance Grass Mix' to be put around the area of the Balancing Pond. Recommend a more wildlife/wildflower friendly seed mixture is more appropriate and beneficial.

## **Neighbours**

5 letters of **objection** received:

### Wildlife

- Badger setts where they plan to build houses. On the last application it was said the badgers would be moved into the area below the new estate but on the new plans there is now a pond.
- No mention of where the badgers are to be moved to, bearing in mind there are only certain months you can do this.
- Loss of existing trees, hedgerow.
- Thought new development approved so Pocket Park remained. Too much green space lost to property development.

### Traffic, Parking and Highways

- Traffic generation, highway safety.
- The middle dead end road leading to the adjacent field could easily be opened up to join Kingfisher Way creating a thoroughfare which would mean a lot more traffic and noise. The original plans had a private gated roads leading to the field so would not be able to join up with any future development.
- Travel plan a good idea but can't see many people taking this up. New residents will use their cars like existing residents.

### Residential Amenity

- Increased noise/disturbances
- Two of the proposed houses overlook into my garden resulting in a loss of privacy. One is higher than my property and the other on the back of my property resulting in a loss of light.
- Pavement is within 3 feet (1 metre) and above my dining room window, allowing persons on the pavement to view directly into the window causing complete loss of privacy.
- Electricity substation at the bottom of my garden, eyesore, loss of light, no height details.
- Persons on pavement will be able to view directly into garden due to pavement being above the height of my property
- Wall is not 1.6 metres high when height of pavement is taken into account.
- Too many houses for the size of plot

### Infrastructure



- No provision for local shops this side of town.
- Local doctors already bursting at the seams.
- Any plans for a bus route for elderly residents?

#### Social Housing

- Been moved forward to the rear of Nos.10-12 Bunting Close which has changed from the original plans where they were further into the development and away from the current houses which would have been more acceptable.
- Proven fact that social houses increases anti-social behaviour. If this is now a requirement, it would be better placed away from the already established peaceful estate.

#### General reconsultation 9<sup>th</sup> July following changes to the layout

##### **Burton Latimer Town Council**

- No comments received.

##### **Environment Agency**

- No comments received.

##### **Environmental Health**

- No comments received.

##### **Highway Authority**

- Objection.
- Excessive number of units served from a private drive.
- Failure to extend the short street across to the eastern boundary (to prevent a ransom strip).
- The layout of the streets is not in accordance with adoptable standards.

##### **Natural England**

- No objection.
- Advice provided in previous response still applies.

##### **Northants County Council Archaeology**

- No comments received.

##### **Northants County Council Nene Valley Nature Improvement Area**

- No comments received.

##### **Northamptonshire Police**

- Important 'Badger Walk' does not allow human access this will conceal offenders.
- Secondary hedge should stop in line with plot 53 and not curve.
- Boundary treatment along Pocket Park to be robust and able to withstand the planting 1.5m of solid boundary topped with 400mm trellis/railings or similar to allow planting to grow up the fence and initially allow surveillance into the area.

### **North Northants Badger Group**

- No comments received.

### **The Wildlife Trust**

- No comments received.

### **Neighbours**

1 letter of **objection** received (32 Kingfisher Way):

- Objection.
- No change in details from previous plan.
- Overlooking properties.
- People falling in our property from pavement.
- Wall heights not correct.
- Loss of privacy.
- No height on sub-station.
- No detail regarding boundaries.
- All issues as previously stated.

### Highway Authority reconsultation 12<sup>th</sup> August 2014

#### **Highway Authority**

- Objection.
- Junction spacing does not meet NCCs minimum requirements. Junctions must be spaced for safety to allow users of a street to anticipate vehicular movements at junctions, and for junction visibility splays to remain unobstructed.
- Minimum spacing of junctions within 30mph speed limit streets is 40m on the same side, and 20m on the opposite side.
- Minimum forward visibility around bends is 25m.
- Must be at least 1m between the back of the highway and plots.
- Where the carriageway terminates adjacent to plot 12 and 13 the end of the carriageway must have a footway running along the back.
- Private drives must meet the carriageway at 90° therefore amend plots 44 and 45.
- Unable to comment on the drainage (gully locations in particular) as these are not shown. Gullies shall not be placed within vehicle or pedestrian crossing envelopes.
- Tactile crossings to be shown at appropriate locations.

### Highway Authority reconsultation 19<sup>th</sup> August 2014

#### **Highway Authority**

- No objection.
- The vehicle tracking drawing confirms the streets are fit for purpose and forward visibility is acceptable round the bends subject to an appropriate condition controlling the height of any vegetation or other items higher than 600mm on the frontage of the plots to ensure pedestrian and vehicular visibility can be maintained across the site.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

Policy 11. Conserving and enhancing the natural environment

### **Development Plan Policies**

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

Policy 1. Strengthening the Network of Settlements

Policy 5. Green Infrastructure

Policy 6. Infrastructure Delivery and Developer Contributions

Policy 7. Delivering Housing

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Policy 15: Sustainable Housing Provision

#### **Local Plan**

7. Environment: Protection of the Open Countryside

RA5. Rural Area: Housing in the Open Countryside

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

North Northamptonshire Joint Core Strategy

Site Specific Proposals - Local Development Document

#### **Supplementary Planning Documents**

SPD Sustainable Construction

SPD Biodiversity

SPD Open Space

## **6.0 Financial/Resource Implications**

Section 106 (KBC\_322) signed 11<sup>th</sup> June 2013 for the following:

- Affordable Housing – 30% on a 60%/40% Rent/shared ownership basis.
- Education – Primary, Secondary and Sixth form amount dependent on housing mix.
- Fire and Rescue Service – £92 per household
- Healthcare – £880 per market dwelling.
- Libraries – amount dependent on housing mix.
- Monitoring Fee – 5% of total financial obligations.
- Open Space – £40,830 for off-site community facilities.
- Open Space – Commuted sum for maintenance.
- Public Transport Provision – £1,000 per dwelling.

- Public Footpath Provision – £750 per market dwelling.
- Travel Plan – Contributions for free bus passes and for travel pack.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Access, Movement and Parking
3. Other Reserved Matters – Appearance, Landscape, Layout and Scale
4. Housing Mix
5. Land Contamination
6. Flooding and Drainage
7. Wildlife and Ecology
8. Archaeology
9. Sustainable Construction and Energy Efficiency
10. Waste
11. Planning Obligations
12. Other Issues Arising

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

One of the core principles of the National Planning Policy Framework (NPPF) is that planning should be plan-led with every effort made to objectively identify then meet the housing and other development needs of an area, responding positively to the wider opportunities for growth.

Paragraph 49 of policy 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

As the application site is located immediately adjacent to the Burton Latimer settlement boundary, will be connected to an existing housing site at Kingfisher Way, and be approximately 1.5km from the facilities, services and public transport links provided by Burton Latimer town centre, it is considered the site is in a sustainable location.

Policy 1 of the North Northamptonshire Core Spatial Strategy focuses new development on the three Growth Towns of Kettering, Corby and Wellingborough with the secondary focus in Kettering Borough being on the smaller towns of Burton Latimer, Desborough and Rothwell.

Policy 9 of the North Northamptonshire Core Spatial Strategy gives priority to the reuse of suitable previously developed land with new building development in the open countryside, outside of the Sustainable Urban Extension, being strictly controlled. Although the application site is located outside the settlement boundary for Burton Latimer within open countryside as defined by saved policies 7 and 35 of the Local Plan for Kettering Borough, the principle of residential development at this site was established by the grant of outline planning permission under reference KET/2012/0732. KET/2012/0732 granted permission for 47 no. dwellinghouses with all matters except access reserved.

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of new development provided the proposals do not result in adverse impact upon wildlife and ecology, neighbouring properties, the highway network and that proposals present a good standard of design.

As such, the principle for development is established subject to the satisfaction of the Development Plan criteria.

## 2. Access, Movement and Parking

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The application site is an inverted triangle shape with the primary vehicular and pedestrian access into the site is from the south end of Kingfisher Way. The access into the site was approved at Outline stage, with dimensions for the point of access secured by Condition 12 of that permission.

Owing to the shape of the application site, the submitted layout provides a circular route through the site leading to a spur-type arrangement at the bottom, with two pedestrian points of access to the Pocket Park to the west of the site and a potential vehicular and pedestrian point of connection to the land to the east.

The circular route gave rise to concerns by the Police regarding the natural surveillance of the Pocket Park as the dwellinghouses along the west boundary faced into the site, but the topography of the land and constrained nature of the site meant that providing dwellinghouses facing the Pocket Park would give rise to an unworkable highway layout with too many dwellinghouses served by private drives, as well as inadequate space within the site to provide adequate active frontages, good permeability within the site, and suitable connectivity with surrounding development and the Pocket Park.

Although the submitted layout resolved the Highway Authority issues and resulted in a scheme with a looped internal road, reducing the number of private drives and turning heads, the Police still had concerns that the lack of integration of the site with the Pocket Park would give rise to anti-social behaviour and crime.

The applicants have proposed landscaping features within the Pocket Park adjacent to the western boundary of the housing area, which will provide a secondary hedge for a 'wildlife walk' and which will be in such close proximity to the rear boundary fences of the dwellinghouses so as to prevent human access. The secondary hedge will grow up to form a wide natural barrier between the application site and the Pocket Park. The Police have requested robust rear boundary treatment for plots 22 to 32 along the western edge to be able to withstand the planting.

A condition has been added to the outline planning permission, requiring the submission and approval of boundary treatment prior to the commencement of development to ensure the amenity and privacy of the occupiers of the site.

In terms of parking provision, each market dwellinghouse is provided with either a single or double garage with off-street parking spaces in front of them. The affordable housing is located such that there is provision for 1 no. parking space for each maisonette and 2 no. parking spaces for the dwellinghouses.

The roads within the site have been provided to adoptable standards and are of a sufficient width including footways to reduce the amount of on-street parking and therefore any adverse impact on the highway network or highway safety.

The Highway Authority in accepting the road layout at the site has requested conditions restricting front boundary treatment to no higher than 600mm to ensure pedestrian and vehicular visibility is maintained across the site. As such, a condition has been added to remove permitted development rights in the front gardens of all plots for the erection of gates, walls, fences or other means of enclosure, and a note added to advise the developers of the height restriction for when the boundary treatment condition is discharged against the outline.

Third party objections have been received regarding the possible pedestrian and highway link to land to the east of the site, located between plots 12 and 13 on the submitted layout, traffic generation and highway safety.

The link has been provided should there be future development planned for land to the east of the site, and also to maintain pedestrian access to the adjacent fields. The objectors provided no evidence in support of their assertion of increased traffic generation and highway safety issues, and as the Highway Authority has not objected to the scheme, it is considered the road layout, pedestrian routes and parking provision is not going to lead to an adverse impact on the highway network or prejudice highway safety, in accordance with the requirements of policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy.

A Travel Plan for the site has been secured by, and will be managed by, the section 106 agreement.

### 3. Other Reserved Matters – Appearance, Landscape, Layout and Scale

The full details for the remaining reserved matters of appearance, landscape, layout and scale have been submitted for consideration in this application.

#### Appearance

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings.

Conditions 8 and 9 of the outline limited the development to 47 no. dwellinghouses of a maximum of two storeys in height, in order that the application site respects and reflects the general character and appearance of the area and the existing housing estate to the north in Kingfisher Way.

The development proposes 1 no. bungalow, 4 no. maisonettes of one house type, and 42 no. two-storey dwellinghouses in six house types. The ridge heights of the proposed two-storey dwellinghouses range from 7.7 metres to 8.5 metres, with the stand-alone maisonettes having a ridge height of 8.8 metres. All dwellinghouses are gable roofed with some having perpendicular gable projections and details. All dwellinghouses have brick or stone cills and lintels on the front elevations and small canopies above the front doors. The different house types are generally in groups of 1 to 3 and are pepper-potted throughout the site, which reflects the overall character of the housing development in Kingfisher Way to the north.

The developer has submitted for approval a palette of materials for the proposed development, the distribution of which throughout the site is to be discharged under a condition on the outline planning permission. The palette of brick and roof tile types reflects the buff, red and orange palette of the adjacent development.

The house types and materials are not identical to those in the existing development to the north but they do have a consistent character with each other within the site. At the site boundary to the north, the developers have particularly sought to reference the heights, spacing, and density of the existing dwellings in the rest of Kingfisher Way, to ensure that there is context between the two different developments.

#### Landscape

Policy 13(o) of the North Northamptonshire Core Spatial Strategy requires new development to be reflective and respective of the character of its surroundings.

The developer has submitted detailed soft landscape and planting plans, pursuant to the outline, and has sought to retain hedgerows at the site boundaries and retain and plant trees within the Pocket Park, as well as planting trees within the development area, and providing an area of open space at the south of the site.

In response to comments from the Wildlife Trust and the Nene Valley Improvement Area Natural Development Officer, the grass mix and some of the

planting was revised to provide a more wildlife/wildflower friendly seed mixture and to evenly distribute pollinator-friendly shrubs throughout the site. A condition was added to the outline for a scheme of hard and soft landscaping, and the information provided allows for the soft landscaping details to be discharged. Materials for the hard landscaping at the site still require submission and approval. A further condition was added to the outline for a landscape management plan, which is in order to secure the character and appearance of the site, and the retention of the planting layout.

With respect to the hard landscaping at the site, details of the road surfacing, driveways and paving are to still to be approved, pursuant to the outline planning permission.

An arboricultural implications assessment method statement and plans have been submitted to address tree protection issues at the site during construction and a condition will be added to this application for tree protection to be carried out in accordance with the submitted details.

#### Layout

Policy 13(h) and (l) of the North Northamptonshire Core Spatial Strategy requires new development to be reflective and respectful of the character of its surroundings and to result in no unacceptable impact on neighbour amenities.

Objections have been received in respect of the layout of the proposed development particularly in relation to its proximity to the dwellinghouses in Kingfisher Way, Bunting Close and Teal Close directly to the north of the application site. When considering the impact on the amenities of the existing occupiers to the north of the site, it is reasonable to say that proposed development further into the site will not adversely impact on the amenities of these residents.

The objections relate to increased noise/disturbances, overlooking of the rear gardens in Kingfisher Way, Bunting Close and Teal Close resulting in a loss of privacy and loss of light, and the siting of the electricity sub-station being an eye-sore and leading to a loss of light.

The dwellinghouses abutting the rear boundaries of properties in Kingfisher Way, Bunting Close and Teal Close have minimum rear plot lengths of 8 metres which is reflective of the rear plot length of the properties in Kingfisher Way, Bunting Close and Teal Close. The new development is located to the south of the existing development but, due to the separation distance caused by the combined plot depths, there will not be any adverse amenity impacts in terms of loss of sunlight, daylight or overlooking.

Objections were also raised by the occupier of No.32 Kingfisher Way regarding the pavement height in Kingfisher Way at the site access, stating its height would lead to a loss of privacy to the dining room window of the property



adjacent to the site entrance. Although the land slopes downwards towards the west and the River Ise from the site entrance, with a difference in land levels of approximately 10 metres from northeast to southwest corner, the levels in proximity to this neighbour are almost identical to those within the curtilage of their property. A condition was added to the outline planning permission requiring final ground and finished floor levels within the site to be approved in order to preserve the character and appearance of the area and to protect the privacy of the occupiers of adjoining properties, preventing overlooking.

With respect to the amenities of the future occupiers, the site is in close proximity to the London to Sheffield railway and Environmental Health has requested that no dwellinghouses are to be constructed within 30 metres of the railway line due to the potential for noise disturbance. The railway is located in excess of 95 metres from the western site boundary at its nearest point to the railway, and a condition was added on the outline planning permission for a noise assessment and scheme for sound insulation to be approved. It is not considered that the use of the new development will give rise to any more of an adverse impact on the living conditions of existing neighbours than is caused by normal residential activities.

With respect to overlooking and loss of privacy within the site, the layout underwent a number of revisions to realign dwellings, and remove and relocate first floor windows to ensure there were no adverse amenity issues in relation to future occupiers.

With respect to lighting within the site, a condition has been added to the outline for a lighting scheme to be submitted for approval to deal with any potential issues of light pollution.

The proposed layout provides a number of short private drives meaning bin collection points are generally located on the adopted roads at the edge of the private drives. To ensure that bins are not left out in the public realm, particularly where dwellinghouses are terraced or in pairs, a bin storage condition is to be added to ensure there is sufficient space provided within the curtilage of each dwellinghouse, and sufficient access to that space, to prevent the bins leading to conflict with pedestrians and vehicles leading to highway safety issues.

It is considered that the submitted layout, separation distance between existing and proposed dwellinghouses, the conditions attached to the outline planning permission regarding noise, lighting, boundary treatment and levels, and a condition for bin storage on this application, will ensure compliance with policy 13(h) and (l) of the North Northamptonshire Core Spatial Strategy resulting in a new development reflective and respectful of the character of its surroundings and giving rise to no unacceptable impact on neighbour amenities.

### Scale

Policy 13(h) and (l) of the North Northamptonshire Core Spatial Strategy requires new development to be reflective and respectful of the character of its surroundings and to result in no unacceptable impact on neighbour amenities.

The development area is 1.7 hectares of a 2.45 hectare site, and under the outline planning permission a development of 47 dwellinghouses was considered to give rise to an acceptable density of just under 30 dwellings per hectare. This density is relative to the density of the existing Kingfisher Way estate immediately north of the application site. The submitted house types and layout comprises two-storey development, plus one no. single storey dwellinghouse, with properties either in small terraces, semi-detached or detached, all of which is in context with the surrounding development.

The scale the two-storey development is such that the roof heights range between 7.7 and 8.8 metres. Due to the topography of the site, it is considered that the scale of the development will respect that of the development at the south end of Kingfisher Way which abuts the northern site boundary, as well as providing a layout of comparable height within the site not leading to any overbearing or massing issues.

Within the site, the dwellinghouses have been arranged such that there is sufficient space between each dwellinghouse and sufficient amenity space around each dwellinghouse to ensure there is no overbearing impact. At the northern site edge, the rear plot lengths of at least 8 metres, reflects the rear plot lengths of the properties in Kingfisher Way, Bunting Close and Teal Close so that there is no overbearing impact on the existing residents.

As such, the proposed development is considered to comply with policy 13(h) and (l) of the North Northamptonshire Core Spatial Strategy in that it will respect and reflect the character of surrounding development and not lead to adverse amenity impacts.

### 4. Housing Mix

Policy 15 of the North Northamptonshire Core Spatial Strategy requires new development to have a balanced mix of housing types and tenures in order to deliver sustainable residential communities. To meet local need, 30% of all new development is to be affordable, and all new dwellings are to be capable of being adapted in line with the 'lifetime homes' standard.

Of the 47 dwellinghouses proposed, 14 are to be provided as affordable units which equates to the 30% requirement.

In line with the outline planning permission, the Council's Housing Strategy team indicated a requirement for 60%/40% rent/shared ownership for the affordable units in line with the Burton Latimer Housing Market Assessment (2010) with smaller 1 and 2 bed properties to be included in the mix.

The submitted scheme has provided a mix of one, two and three bedroom units comprising 4 no. 1 bed maisonettes, 1 no. 2 bed bungalow, 4 no. 2 bed

dwellinghouses and 5 no. three bed dwellinghouses, located in two areas 7 dwellings each, at the north and south of the site. Due to the constrained nature of the site and owing to the small number of affordable units, it was not possible to pepper-pot these units in any smaller numbers across the site.

The tenure of the affordable units is to be secured as part of the section 106 agreement.

#### 5. Land Contamination

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring contaminants found throughout the borough frequently exceed the levels at which the risk to human health is considered acceptable for residential land use.

A condition was added to the outline planning permission for a remediation scheme to be submitted to deal with the presence of any contamination on site.

An acceptable remediation scheme has been submitted to discharge the first parts of the condition, and the condition will be fully discharged on completion of the development, subject to all remediation works being carried out in accordance with the approved details, and subject to any unexpected contamination found during development being remediated in accordance with the requirements of the condition.

#### 6. Flooding and Drainage

Policy 13(q) of the North Northamptonshire Core Spatial Strategy requires new development not to cause a risk to the quality of underlying groundwater or surface water or increase the risk of on and off site flooding, in accordance with Sustainable Urban Drainage principles.

The application site is to the west of Burton Latimer Pocket Park and the River Ise. The River Ise is in excess of 70 metres from the western boundary of the application site at its nearest point. The outer edge of flood zone 3 follows the western site boundary, with flood zone 2 extending approximately 15 metres into the west side of the site. The area of the site affected by flood zone 2 is entirely within the Pocket Park where none of the proposed residential development is located.

The application site slopes down towards the river in a northeast to southwest direction with a fall in land levels of approximately 10 metres over the approximately 190 metres width of the site.

Conditions were added to the outline planning permission for the provision, implementation, ownership and maintenance of the surface water drainage for the site and the provision of mains foul sewage infrastructure on and off site. In addition a condition was added regarding final ground and finished floor levels across the site.

It is considered that the proposed development has addressed the issue of flooding and drainage at the site, subject to the satisfactory discharge of the imposed outline planning conditions.

#### 7. Wildlife and Ecology

The Local Planning Authority has a legal duty under the Wildlife and Countryside Act 1981, as amended, the Natural Environment and Rural Communities Act 2006 (NERC Act), the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010), and the Protection of Badgers Act 1992 to ensure the protection and enhancement of wildlife. NPPF policy 11, paragraph 118, requires Local Planning Authorities to aim to conserve and enhance biodiversity by permitting development only where significant harm can be avoided. Policy 5 of the North Northamptonshire Core Spatial Strategy requires new development to enhance local Green Infrastructure and policy 13(o) of the North Northamptonshire Core Spatial Strategy requires new development to conserve and enhance landscape character and biodiversity.

The Biodiversity Supplementary Planning Document refers to the Northamptonshire Biodiversity Action Plan (2008) (NBAP) to identify priorities for action and give guidance on conserving and reversing the loss of habitats and species in relation to new development. The Northamptonshire Biodiversity Action Plan identifies local BAP priority species for vary rare or declining species with significance to Northamptonshire.

Third party objections were received regarding the location of the Badger Sett. All details relating to the relocation of the Badger sett from within the site to a location within the Pocket Park was dealt with through the outline planning application and appropriate conditions added to ensure the developers carried out the process in strict accordance with guidance from Natural England and the Wildlife Trust. Outside the remit of the planning process, licences are required from Natural England for the removal and relocation of Badger setts, which is carried out under their strict control.

In order to conserve or enhance wildlife and ecology at the site, conditions were added to the outline planning permission requiring further survey work and detailed recording schemes for badgers, bats, reptiles, amphibians, and nesting and breeding birds during site clearance and development for mitigation and enhancement. An additional condition was added preventing residential development within the Pocket Park.

#### 8. Archaeology

Paragraph 141 of the NPPF requires the recording, understanding the significance of, and archiving, of the historic environment or heritage assets which may be lost either wholly or in part by proposals for new development.

Policy 13(o) of the North Northamptonshire Core Spatial Strategy requires the landscape character, historic landscape, designated built and environmental assets and their settings, to be conserved and enhanced.

The application site was surveyed as being of Northampton Sand and Ironstone to the east and Whitby Mudstone formation to the west, with a drop in land levels across the site from northeast to southwest by approximately 10 metres. The majority of the site is characterised as overgrown meadow and is located 500 metres west of a Roman Road. The Northamptonshire Historic Environment Record records a number of Romano-British sites in the vicinity of the Roman Road and the application site.

A condition was added to the outline planning permission requiring a Written Scheme of Investigation for a programme of more intensive archaeological works to allow the known archaeological remains to be fully investigated and recorded.

The Written Scheme of Investigation has been submitted and approved and a further method statement and a report of observations, investigation and recording during groundworks is to be submitted for approval, pursuant to the outline planning permission.

#### 9. Sustainable Construction and Energy Efficiency

Policy 14(b) of the North Northamptonshire Core Spatial Strategy states that new development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency, should demonstrate that at least 10% of the demand for energy will be met on site and renewably, and be in accordance with the requirements of the North Northamptonshire Sustainable Design Supplementary Planning Document.

A condition was added to the outline planning permission for a detailed scheme to be submitted for approval.

#### 10. Waste

Policies CS7 and CS8 of the Northamptonshire Minerals and Waste Development Framework (MWDF) Core Strategy require new development to demonstrate the efficient use of resources in both construction and subsequent operation, and the integration of waste management facilities.

The policies require the submission of a Waste Audit and a Waste Management Facilities Strategy which includes details provided by the MWDF Development and Implementation Principles Supplementary Planning Document (March 2007).

A Site Waste Management Plan (SWMP) was submitted at the outline planning stage, and a condition added to the outline planning permission for compliance with this document.

#### 11. Planning Obligations

Policy 6 of the North Northamptonshire Core Spatial Strategy requires new development to be supported by the delivery of infrastructure, services and

facilities.

A section 106 legal agreement was completed and signed on 11<sup>th</sup> June 2013 for both financial and non-financial contributions for 30% affordable housing, education, fire and rescue, healthcare, open space, public transport and footpaths and sustainable transport. Contributions are to be collected in accordance with the provisions set out in the section 106 agreement.

#### 12. Other Issues Arising

The developers have included an Electricity Sub Station within the site at the northern end of plot No.38. The electricity company requires an easement of up to 5 metres round the sub-station to allow for access and maintenance which will prevent the owners of plot No.38 from building extensions or outbuildings in the area of the easement.

The easement is a requirement outside the control of the planning system and it is therefore the responsibility of the electricity company and the developer to control any issues arising, and provide a covenant to retain the easement.

#### Conclusion

The proposed development accords with policies in the Development Plan National Planning Policy Framework and is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

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

Ref:

Date: