

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/01/2015	Item No: 5.2
Report Originator	John Hill Development Officer	Application No: KET/2014/0447
Wards Affected	Burton Latimer	
Location	Higham Road (Land south of), Burton Latimer	
Proposal	Outline Application: Outline planning permission with all matters reserved except access for: 1) Residential development including affordable housing, open space, strategic landscaping, allotments, play areas, associated infrastructure including sustainable drainage works and 2) car park (extension to neighbouring medical centre)	
Applicant	Hallam Land Management	

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 REFUSED for the following reason(s):-

1. The proposed development on land in the open countryside will have a detrimental impact on the character and appearance thereof and additionally being outside the town boundary for Burton Latimer is contrary to Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy and saved Policy 7 and 35 of the Local Plan for Kettering and does not meet the requirement in the National Planning Policy Framework for a presumption in favour of sustainable development.
2. The application fails to demonstrate a satisfactory scheme for the disposal of surface water from the proposed development and is therefore contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0447

This application is reported for Committee decision because there are unresolved, material objections to the proposal and it is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

None.

Site Description

Officer's site inspection was carried out on the 14th July 2014.

The application site is located on the south eastern edge of Burton Latimer to the south of Higham Road. To the north of the site on the opposite side of Higham Road are new substantial housing areas partly occupied and partly under construction. To the south of Higham Road the north west corner of the site adjoins the boundary with the Burton Latimer Medical Centre and the residential cul de sac of Addis Close and Jacques Road. Immediately to the east the site adjoins open land partly occupied by allotments and partly rough grassland on the site of the former sewage works. This latter area contains a pond some 90m from the western boundary of the site which based on the results of a survey in 2014 was found to have a population of great crested newts.

The site itself currently comprises three agricultural fields totalling some 10.31 hectares in area with adjoining agricultural land extending south and east to the A6. The northern boundary of the site is Higham Road which is defined by a relatively mature hedgerow. Hedgerows also form in part the southern boundary and the western boundary. Two internal field boundaries also cross the site. The site has a pronounced slope from its highest point along its eastern boundary down to its lowest point towards the south west corner.

Proposed Development

The proposal is an outline planning application with all matters reserved except access for 1) residential development of up to 180 dwellings including affordable housing, open space, strategic landscaping, allotments, play areas, associated infrastructure including sustainable drainage works and 2) car park (extension to neighbouring medical centre).

An illustrative masterplan accompanies the application, along with a suite of documents headed as follows: Planning Statement; Statement of Community Engagement; Design and Access Statement: Agricultural Land Quality Assessment; Landscape and Visual Impact Assessment; Ecological Appraisal; Great Crested Newt Mitigation Strategy; Flood Risk Assessment; Tree Survey; Transport Assessment and Travel Plan; Air Quality Assessment, Noise Assessment; Ground Conditions/

Contamination Report; Services Supply/Utilities Statement and Sustainability/Energy Efficiency Statement.

The supporting statement with the application states that the development would provide up to 180 dwellings. The final housing mix would be determined at reserved matters stage but will provide for a broad mix of housing ranging from 2 to 5 bed properties providing for single occupancy and family accommodation.

30% of the total number of any approved number of units (54 if it were 180) would be affordable in line with Policy 15 of the North Northamptonshire Core Spatial Strategy (CSS). The Council's Housing Enabling Officer is stated as having offered advice on housing mix which is that up to 60% should be rented accommodation and 40% shared ownership. However any final mix would only be established at reserved matters stage. The delivery of affordable housing in any event would be through a Section 106 agreement.

Any Constraints Affecting the Site
Open Countryside.

4.0 Consultation and Customer Impact

Burton Latimer Town Council
No objection subject to:

- a) the footpath shown on the indicative layout at the south west corner of the application site being extended to join up with UA16 as agreed between the developer, local Councillor and land owner;
- b) the proposed land to be put aside for the medical centre should be large enough to facilitate any proposed medical centre future extensions and car parking facility;
- c) concerns over the numerous large areas of roads/driveways within the development being constructed to an adoptable standard and not to be left unadopted as proposed in the application; and
- d) formally request the Burton Latimer Town Council be fully consulted regarding any proposals for levying of S106 payments regardless of whether or not they refer to KBC or NCC.

2nd Response

Confirmed that if the matters raised in their first response could not be addressed as requested the TC still have no objection to the proposed development.

KBC Infrastructure and Asset Development Manager

Requests S106 contributions towards community infrastructure, including public open space; cemeteries; community facilities and sports facilities

KBC Environmental Health

No objection recommends conditions related to contaminated land, noise and construction method statement.

Highway Authority

Transport Assessment - A number of issues identified that need addressing by the applicant. Financial contribution requested towards improvements to the County Council's improvement scheme to the Higham Road/A6 junction.

Access Issues – Concern with the single vehicle access point in the context of trying to secure good connectivity not only for car drivers but for pedestrians and cyclists. Suggest emergency access point near to medical centre. Provide a cycle pedestrian link to Jacques Road.

Public Transport – Request S106 contribution providing an enhanced local bus service. This would be a proportionate contribution shared by other developers developing off Higham Road.

Walking and Cycling – Improved cycling and walking access is required along Higham Road to the town centre. New footway/cycle track required to be constructed along Higham Road to the front of the site. Whilst this is shown on the submitted drawings in part there is a need to complete this facility further down the hill into Burton Latimer and into the High Street. A widened footway for the remainder of Higham Road and some improvement to on-street cycling facilities in the town is also required. This is requested to be secured through a financial contribution.

Travel Plan – Some matters need addressing before the document can be approved. A 20% modal shift away from single occupancy car journeys is sought whereas the submitted Travel Plan proposes 10% and greater measures and incentives should be offered to residents.

Northamptonshire Highways are prepared to deliver the Travel Plan interventions if the necessary agreement can be achieved.

Consider the scheme can be accessed satisfactorily if the above matters are addressed.

2nd Response

S106 contributions - Following discussions with the applicant's transport consultant advise what they consider the agreed position is regarding S106 contributions. If the applicant is agreeable to pay their contribution request then they consider the scheme acceptable.

Environment Agency

Object. Some aspects of the flood risk assessment are unsatisfactory and further work is required specifically in relation to the disposal of

surface water from the proposed development.

A revised Flood Risk Assessment has been submitted, we await a further response from the EA.

Anglian Water

Assets Affected – Anglian Water has assets in the vicinity of the site and request an informative.

Wastewater Treatment – Capacity exists in the existing catchment area that covers the site.

Foul Sewerage Network – Development will lead to an unacceptable risk of flooding downstream and mitigation in the form of online storage will be required. The drainage strategy for the site should cover the procurement of the improvement works. Condition requested requiring a drainage strategy to be submitted and agreed.

Surface water disposal – Not a matter for Anglian Water to consider but rather one for the Environment Agency.

Trade Effluent – not applicable.

NCC Archaeology

Recommends a condition.

NCC Key Services

Education – a development of this size is expected to generate approximately 54 primary school pupils and 36 secondary and sixth form pupils based on a generic housing mix. Having regard to primary school capacity the expected number of pupils to be generated from this development would put both local schools (Meadowside Primary and St Mary's CE Primary) over capacity. The County Council is currently building an extension to St Mary's CE Primary School costing £2.64m with education contributions from various developments expected to provide the majority of the funding. A primary school contribution is needed in order to ensure that all development within the area contributes proportionately towards this. Primary education current cost multipliers range from £0 for a 1 bed unit to £8,120 for a 5 bed unit. From a secondary school perspective as of January 2014 Burton Latimer is linked to Latimer Arts College which was operating at close to full capacity. Recent planning permissions locally in the last 3 years for 700+ dwellings will almost certainly take up the existing capacity. On this basis a secondary education contribution is requested. Secondary education current cost multipliers range from £0 for a 1 bed and £10,024 for a 5 bed unit.

Fire and Rescue – The development in Burton Latimer will contribute to the collective growth impact on the ability to maintain Standards of Operational Response including increased community risk from fire and

increased community risk from road traffic collision. Current funding does not take in to account the projected growth of Northamptonshire over the next 10-15 years. There is an identifiable funding gap on capital costs towards new infrastructure required to meet the growth in Burton Latimer and the wider area as a result of new development such as that now proposed. A contribution of £92 per household is requested to manage the community risk and maintain the Service's current response times for Higham Road. The contribution is necessary to make the development acceptable and is directly related as new housing increases the spread of community risk across the county.

Fire Hydrants – It is assumed the development proposed could require up to 4 fire hydrants (to be confirmed at detailed planning stage). Recommend a condition which delivers the required number of fire hydrants.

Libraries – Local planning and library authorities are recommended to adopt a minimum tariff of £90 per person in new housing, in Northamptonshire this is adjusted to £88 per person based on BICS costs. The contributions range from £116 for a 1 bed unit to £326 for a 5 bed unit. This contribution will go towards the expansion and improvements to the library at Burton Latimer which is well placed in the heart of the community and contributions would ensure that the service delivered to the growing population can be maintained.

Broadband – The County promotes access for all new development to high quality fibre networks. It therefore recommends that ducting works are carried out in co-operation with the installations of standard utility works in accordance with the Manual of Contract Documents for Highway Works.

2nd Response - Education Requirements in Burton Latimer
Confirm their previous comments regarding education. They further comment they are aware of the need to take a broad and strategic look at the area and identify: How many more houses are expected to come forward in Burton Latimer and the surrounding areas and what is the educational impact of these houses; if additional capacity is required could any of the existing schools accommodate it and if the existing schools could not accommodate it where does the additional capacity need to be. To achieve this and create a clear strategic plan for the area it will be necessary to work with the Borough Council on a planned approach to the delivery of infrastructure.

NNJPU- Design and Sustainability

Key concerns relate to local connectivity and the street pattern, in particular: the relationship to Higham Road, connection to local streets and the failure of the green infrastructure to link to the wider network.

Highways Agency

No objection.

Natural England

Statutory nature conservation sites – no objection: Protected species – not assessed this application for impacts on protected species – refer to standing advice: Green Infrastructure – within an area that could benefit from green infrastructure provision: Local sites – if the site is adjacent to such a site the Council should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application: Impact Risk Zones for Sites of Special Scientific Interest – refer to recently published set of mapped Impact Risk Zones for SSSI's as a tool for Council's to assess impact: Biodiversity enhancements – the application may provide opportunities to incorporate features which are beneficial to wildlife and securing such measures should be considered: Landscape enhancements – the application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably: and bring benefits to the local community.

Wildlife Trust

No comments received.

NHS Hertfordshire

Requests S106 contributions towards GP services provision. Burton Latimer Medical Centre is already operating at capacity. There is potential to lease additional space within the Centre which will lead to increased costs to the NHS. A contribution is sought to make this scheme favourable to NHS England.

Northamptonshire Police

No formal objection subject to informatives and conditions being attached to any permission. Design and access statement makes reference to designing out crime and these should be carried through to the detailed design stage. Detailed comments relate to the following:

- Excessive numbers of rear alley ways, can cause issues of security and problems with the residents with refuge transportation
- Any lighting scheme should be designed for both adopted and unadopted areas for safety and security reasons
- Roads should be designed to keep speeds low and reduce the likelihood of 'circuits' that could be used for anti social behaviour.
- Affordable housing should be in small clusters and these clusters should be pepper potted through the site.
- Doors and windows should meet basic security of Secured by Design: PAS 24 or equivalent.
- Rear parking courts should be avoided.

Sport England

Does not wish to comment on the application.

Burton Latimer Medical Centre

Support. The practice is happy to expand in order to grow its list of patients provided it has physical and operational capacity to do so. At present the practice has room to expand within the current building. The intended growth in the Burton Latimer area will very quickly warrant the expansion beyond existing space in the Centre. The safeguarded space for the practice if not provided would mean an increase in patient list size could not be accommodated. With the NHS plans to move services from hospital settings to local provision, sufficient capacity within primary care premises becomes more necessary than ever.

Neighbouring residents

Two representations received objecting to the scheme. One from a resident of Addis Close and one from Jacques Road which are located in a small development to the north west of the site behind the medical centre. They have raised objections on the following grounds:

- Housing rapidly increasing but amenities and services are not.
- The proposal will restrict the expansion of the medical centre.
- Local GP surgery had to stop taking new patients from certain areas.
- The Council are not sticking to their stated position of a couple of years ago to preserve areas and communities.
- Access roads to Burton Latimer are either the A6 or the A509 but Finedon Road is very dangerous and unsuitable for even current traffic flow and conditions. Local primary schools are oversubscribed.
- 180+ extra cars may also cause issues with queues and congestion.

5.0 Planning Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

‘...if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise’

National Planning Policy Framework

Paragraph 7 sets out the three dimensions to achieving sustainable development; an economic role, a social role and an environmental role.

Paragraph 11 reiterates S38(6) of the PCP Act ‘that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.’

Paragraph 14 makes it clear there is a presumption in favour of sustainable development and that inter alia for decision-taking this means approving proposals that accord with the development plan.

Paragraph 17 sets out the core planning principles which underpin both plan-making and decision-taking.

Paragraph 118 in determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

Paragraph 196 states the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is acknowledged as being a material consideration in planning decisions.

Policy 6. Delivering a wide choice of high quality homes

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

Policy 11. Conserving and enhancing the natural environment

Development Plan

North Northamptonshire Core Spatial Strategy 2008 (CSS)

Policy 1 Strengthening the Network of Settlements

Policy 9 Distribution and Location of Development

Policy 10 Distribution of Housing

Policy 13 General Sustainable Development Principles

Policy 15 Sustainable Housing Provision

Local Plan for Kettering Borough 1995

Policy 7 Protection of the Countryside

Policy 35 Within Towns

6.0 Financial/Resource Implications

In the event Planning Permission is granted for the development a Section 106 Agreement would be necessary to require financial contributions. S106 requests are outlined in Section 7 (7) of this report. As stated at 7(7), further discussion with the applicant would be required to secure an appropriate agreement.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on the character and appearance of the countryside
3. Indicative layout
4. Highway matters
5. Surface water drainage
6. Great crested newts
7. S106

8. Other matters

1. Principle of development – Planning policy

Paragraph 14 of the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development, which means for decision-taking approving development proposals that accord with the Development Plan.

The Development Plan for the application site and surrounding area is the North Northamptonshire Core Spatial Strategy (CSS) which was adopted in June 2008 and the saved policies of the Local Plan for Kettering (KLP) initially adopted in January 1995, which have been assessed as being in general conformity with the NPPF.

Policy 1 of the CSS sets out the settlement hierarchy for North Northamptonshire and defines the role settlements will take in delivering growth. The policy requires all new development to be principally directed to the Urban Core, which includes the Growth Towns of Corby, Kettering and Wellingborough. Policy 1 states that as Growth Towns they will provide the focus for major co-ordinated growth and regeneration. The Policy goes on to state that a further secondary level of growth will be directed to the smaller towns, of which Burton Latimer is included. Growth in the smaller towns should be for regeneration of their town centres; environmental improvements and new mixed use developments.

Policy 9 provides further detail on the distribution of development. This policy details that new development will be focused in the Growth Towns and that this will be complemented by modest growth at the smaller towns. Policy 9 restricts development in the open countryside and focuses growth on a small number of Sustainable Urban Extensions (SUEs) and gives preference to the use of previously developed land and buildings within the urban area and locations that are accessible by a choice of means of travel.

The proposal is outside the town boundary for Burton Latimer and lies within open countryside defined by Policy 7 of the KLP. Development in open countryside is restricted unless permitted by other policies of the Development Plan or, in practice that is identified in the NPPF. The site is separated from the town boundary to the west by an area of allotments and a former sewage works, now laid to grass. It does however adjoin built development to the north in the form of some of the rear boundaries of the properties in Jacques Road, the medical centre and Higham Road.

Policy 10 sets out the distribution of housing which aims to achieve a sustainable pattern of development. New housing is focused at the Growth Towns with modest growth at the smaller towns. It identified an indicative housing requirement for Burton Latimer of at least 700 dwellings. The level of commitments based on permissions granted is

1,602. The 2001 Census which sets out the position at the start of the plan period identified 2,773 households in Burton Latimer. The addition of 1,602 new homes will result in an increase in dwellings in excess of 57%. An increase of this scale is not considered to be modest growth.

Paragraph 47 of the NPPF requires Local Planning Authorities to demonstrate an up to date five year supply of deliverable housing sites. A number of applications for residential development in Burton Latimer were granted as a result of the Council having up until recently not been able to demonstrate a 5 year housing land supply, a position which it now meets and which the recent permissions on the north side of Higham Road have contributed to. Whilst this development has been granted on land not allocated for housing it is within the town boundary for Burton Latimer.

It is of relevance to note the Council's five year housing land supply position was tested at an appeal for residential development on land to the rear of Glebe Avenue, Broughton (KET/2013/0284), the decision for which was issued in April 2014. The Inspector's decision concluded that the Interim Housing Statement (IHS) produced by the Joint Planning Unit is a cogent, robust and up-to-date evidence base which represents an objective assessment of housing need in the area. The IHS provides a prudent basis for planning the housing provision in the area and, therefore, carries substantial weight in the Inspector's decision as a significant material consideration which outweighs the out-of-date CSS housing figures. The Inspector concluded that the Council have demonstrated a five year supply of deliverable housing land is available and paragraph 49 of the NPPF is not engaged. Therefore the Development Plan policies are up-to-date and continue to attract due weight.

Policy 13 of the CSS sets out a set of general sustainability principles that all development is expected to meet.

The main theme of the aforementioned policies, in particular those of the CSS, are to focus most new development, including residential development within or on the edge of the three designated growth towns. The six named smaller settlements of which Burton Latimer is included are expected to accommodate a secondary level of growth. As set out above Burton Latimer has housing commitments which significantly go beyond its planned figures.

Progress is being made in reviewing the Core Strategy, extending the period of the Plan to 2011-2031. A consultation on the Pre-Submission Joint Core Strategy is planned to be undertaken in late January 2015 with submission to the Secretary of State scheduled for Spring 2015. The emerging Joint Core Strategy continues to recognise Burton Latimer as a settlement to provide a secondary focal point for development. The emerging policies of this Plan have been given

minimal weight in assessing this application.

In summary the Council can demonstrate a five year housing land supply and relevant Development Plan policies are up-to-date and compliant with current national guidance.

The proposal does not accord with policies 1, 9 and 10 of the CSS, which focuses development on the Growth Towns with a moderate level of growth in the smaller towns. This proposal would contribute to a more dispersed and unsustainable pattern of development which dilutes the focus on Growth Towns set out in Policy 1. The continued release of greenfield land would undermine the strategy of focusing development in the Sustainable Urban Extensions, as set out in policies 1, 9 and 10 of the CSS.

The proposal is located outside the town boundary of Burton Latimer as identified in Policy 7 of the KLP and is therefore in the open countryside. Policy 9 of the CSS strictly controls new building development in the open countryside, outside of the Sustainable Urban Extensions. Development growth in Burton Latimer has significantly exceeded targets set out in Policy 10 beyond that considered to be modest growth.

To conclude the proposal therefore is contrary to Policies 1, 9 and 10 of the CSS, policies 7 and 35 of the Local Plan for Kettering Borough and does not meet the requirement set out in the NPPF for a presumption in favour of sustainable development.

2. Impact on character and appearance of the countryside

The importance of recognising the countryside's intrinsic character and value is one of the NPPF's core principles as set out in paragraph 17. The protection of the environment in its widest sense is one of the 'three' dimensions of sustainability as set out in paragraph 7 of the NPPF. Policy 7 of the KLP and Policies 9, 10, and 13 of the CSS are broadly consistent with these aims.

The application site does not lie within any designated area of special landscape value but that does not mean it has no value. In this instance the application site is relatively large and sits in a prominent location on the edge of the town on the south side of Higham Road that forms a strong boundary between the expanding urban edge of Burton Latimer and the open countryside to the south. The site forms part of this open agricultural landscape which rises as you travel east along Higham Road towards the A6 and similarly is open to reverse views when travelling west towards the town from the A6, particularly the eastern edge of the site, its highest point.

There are also varying views of the application site from the public

footpath that runs from Finedon Road in Burton Latimer to Station Road to the north west of Finedon. The footpath runs to the south of the site across open agricultural land with field boundaries defined by hedgerows.

In determining the impact of the proposed development on the countryside it is recognised that this is an outline planning application only for a maximum of 180 dwellings and therefore it only has to be determined if the site is considered capable of accommodating 180 dwellings without adversely affecting the character and appearance of the countryside having regard to all other material considerations.

The proposed indicative housing layout is urban in character and takes up approximately 50% of the existing countryside frontage that extends up to the A6 junction on the south side of Higham Road. The layout is split into two distinct areas. The smaller of the two sits on the lowest part of the site adjacent to the allotments and includes a relatively large area of open space which incorporates the sustainable urban drainage scheme. To the west, beyond an existing mature hedgerow, is the more substantial remaining part of the development which extends up to and fronts Higham Road and also presents a 'frontage' to the eastern field boundary where an existing agricultural access is to be retained. The hedgerow along this boundary has been maintained at a relatively low height. There is a noticeable change in levels from the lowest point to the west to the highest point to the east with the latter part rising further to the south. This second area has a landscape belt extending from the aforementioned smaller area along the whole of the southern boundary and which makes a small return along the eastern boundary.

The proposed development consequently will make a significant and incongruous incursion into the open countryside on the south side of Higham Road which will be readily visible from the approaches to the site particularly the A6 junction and also various points along the footpath to the south. It is acknowledged that the proposed strategic landscaping will offer a degree of mitigation from views from the public footpath but this will not become established and mature, and hence effective, for many years.

It is concluded the development will therefore cause substantial harm to the character and appearance of the countryside contrary to the aims of Policy 7 of the KLP and CSS Policy 13.

3. Indicative Layout

The proposed development as shown on the illustrative masterplan is made up of the following elements: residential development 6.07ha; amenity open space including areas of natural play 1.35ha; natural and semi-natural green space 1.41ha; strategic landscaping 0.61ha; allotments 0.21ha and potential Medical Centre Expansion Land 0.17ha.

On a developable area of some 6.07ha the overall density equates to

some 30 dwellings per hectare. The indicative layout drawing accommodates a range of property types and sizes varying from 2 bedroom to 5 bedroom detached houses.

An area of public open space that includes an equipped children's play area is centrally located within the built up part of the site. This is enclosed by properties that could be 2.5 storey arranged in the form of a crescent.

The remainder of the indicative layout takes the form of a number of irregularly shaped perimeter blocks which on the edge of the development present an outward facing appearance. Higher density development is located along the main streets and low densities are located at the site's periphery. Properties fronting Higham Road and opposite the new development on the north side are similar in density but are set back a greater distance with the existing hedgerow being retained apart from where new accesses are provided and accessed from private drives that sit in front of the properties. The eastern boundary, which represents the highest part of the site and the most visible, faces towards the A6 and immediately adjoins agricultural land. It is defined by what is an existing low hedgerow with an agricultural access immediately behind running the whole length of the boundary giving access to the agricultural land to the south.

The indicative layout shows the proposed development along this boundary to be low density served by further shared private drives.

A number of existing field boundaries are retained within the layout which link to the informal open space/strategic landscaping belt that services the development that runs along the southern boundary and then opens up to form the south west corner of the development, although this latter area also provides that location which captures the surface water drainage from the proposed development. This green space varies in depth from some 50m to 20m with the southern boundary being planted to form a woodland edge which on average varies between 10 and 12m deep. The area of open space immediately adjacent to the western boundary in the the south east corner of the site also serves to provide habitat to form part of the great crested newt mitigation strategy.

The indicative layout also includes a small area of new allotments located immediately to the rear of Jacques Road and also an extension to the site of the Burton Latimer Medical Centre.

Vehicle access to the site is taken from a single point off Higham Road. The only other connection from the site to the public highway is an emergency access point which also provides pedestrian and cycle access to a different point on Higham Road. Highway issues are discussed in more detail below.

Only a small part of the site physically shares a boundary with neighbouring residential properties. This is in the north west corner of the site where it adjoins both the boundary of the Burton Latimer Medical Centre and 5 properties in Addis Close. The illustrative masterplan shows a small extension to the allotments immediately adjacent to the boundaries with these houses. Notwithstanding the masterplan, the layout is indicative, it is however considered the site can be developed for the number of units proposed without having an adverse affect on the amenity of the residents living at these properties.

The nearest residential properties other than those in Addis Close are located on the opposite side of Higham Road and would be unaffected by the physical development of the site albeit the residents will likely notice an increase in traffic movements along Higham Road arising from the development.

There are some concerns with regard to achieving better connectivity to both the neighbouring medical centre, the neighbouring residential area (Jacques Road) and the public footpath to the south west of the site. The applicant has indicated a willingness to try and secure these but they require the agreement of neighbouring landowners. As the application is only outline with the layout being reserved for subsequent approval if permission is granted it is considered these links can be pursued at this time.

There is also concern with what is considered to be a somewhat generic layout dominated by different cul de sac lengths and private drives as opposed to the preferred provision of a well connected network of streets that could also accommodate a greater intrusion of green infrastructure and SUDS into the actual residential layout of the site. As above, as the application is only outline with the layout being reserved for subsequent approval, if permission is granted it is considered a revised layout can be pursued at this time.

4. Highway Matters

As an outline application all matters relating to appearance, landscaping, layout and scale are reserved for future approval if the application is granted. Only access to the site has been included within the application for formal approval at this stage.

A single vehicle access is proposed to serve the development which is located at a midway point between the two roads Mallory Way and Isemill Road on the opposite side of Higham Road. The only other access point onto Higham Road is some 85m to the north west towards the town centre where a proposed vehicle emergency access point/pedestrian and cycle access is located.

A proposed pedestrian uncontrolled crossing is shown close to the new vehicle access and part of the pavement on the application side of

Higham Road is to be extended to form a combined cycle and footway. There is an existing bus stop outside the neighbouring medical centre some 100 metres from the aforementioned proposed pedestrian/cycle access.

The proposed access road serving the development internally is designed to be built to adoptable standards but the illustrative layout includes a number of unadopted private drives where up to 5 residential units can be accessed.

A Transport Assessment and Travel Plan have been submitted with the application.

The Highways Agency has raised no objection to the application.

The Highway Authority's initial response was that they considered the site can be accessed in an acceptable way if extra access points can be agreed and off-site junction improvements receive financial contributions. Financial contributions are also sought to introduce an initial bus service connecting areas of population to employment areas and improvements to cycle infrastructure. Finally a funded package of Travel Plan measures should be sought which Northamptonshire Highways would deliver. If this package of measures can be delivered the Highway Authority consider the application can be consented without causing any long term severe impacts on the highway network.

Further to their initial response they have advised that subject to securing the financial contributions set out below through S106 they have no objections to the scheme. It should be noted that the 'walking and cycling' and the 'Jacques Road' contributions are associated with achieving better connectivity to both the town centre and the neighbouring residential development to the north west of the site.

Higham Road / High St / Finedon Road	£10,000.00
A509 / Finedon Station Road	£10,000.00
A6 / Higham Road	£24,422.11
Public Transport Contribution	£106,109.50
Walking and Cycling Contribution (capped)	£42,000.00
Travel Plan Delivery Contribution	£30,000.00
Bus travel vouchers (c. £100 per dwelling)	£18,000.00
Jacques Road Contribution (cycle link)	£10,000.00
Total	£250,531.61

5. Surface Water Drainage

The application states that the application site is located within Flood Zone 1 which means that it is an area of low probability of flooding. The applicant considers the only issue is therefore drainage of the site and whether surface water run-off can be accommodated on site without creating problems off site.

The proposed development incorporates sustainable drainage measures (SuDS) to reduce run-off from the site to a rate below the current conditions and improve water quality. The applicant considers by reducing the rate of run-off from the site the development will have significant positive impacts on flood risk in the wider area by attenuating stormwater on-site.

It is proposed that surface water collected from within the development will be conveyed to an infiltration basin near to the low point of the site on the western boundary adjacent to the allotments. The basin will be an above ground naturally landscaped feature which the applicant states is designed to enhance the biodiversity and landscape character of the site whilst also acting as a functional measure to control storm discharges from the site and improve water quality. Initially it was proposed that the water would then be piped across the allotments and discharge into the brook. However the EA had concerns over this proposal.

At the time of writing this report the objection from the Environment Agency (EA) is still outstanding with regard to the disposal of surface water. Discussions have been ongoing with the EA to try and resolve this issue and a revised Flood Risk Assessment (FRA) has been submitted and is being considered by the EA. An update will be provided at the meeting regarding this matter.

In the current circumstances the application fails to demonstrate that the proposed development can be satisfactorily drained of surface water and therefore is contrary to Policy 13(q) of the CSS.

6. Great Crested Newts

The habitat of great crested newts is strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

The application includes both an Ecological Appraisal and a Great Crested Newt Mitigation Strategy.

The Ecological Appraisal refers to Natural England Guidelines (Great Crested Newt Mitigation Guidelines 2001) which suggests that all ponds within 500m of a proposed development area should be assessed to see if great crested newts are present. The Ecological Appraisal advises that a Habitat Suitability Index assessment following current guidance was undertaken by an appropriately qualified person on the 14th November 2013 to locate ponds within 500m of the site and that this identified one pond some 90m west of the site.

As a result of this the Ecological Appraisal states that six overnight surveys for great crested newts were undertaken between the 31st

March and the 28th April 2014. Great crested newts were identified with a peak count of 22. Off-site terrestrial habitats around the pond were also identified as providing excellent opportunities for great crested newts to forage, seek refuge and disperse. Of these it is principally the hedgerows that are considered to be of importance as they provide some hibernation opportunities. The open grazed pasture at the site is of lower value and the arable fields of very low value.

As the proposed development impacts on the off-site terrestrial habitat of the newts a Mitigation Strategy (MS) is required and has been submitted. The MS states that no immediate terrestrial habitat will be lost (<50m from pond) but 1.97ha of intermediate terrestrial habitat (50m-250m from pond) and 4.40ha of distant terrestrial habitat (250m-500m from pond) will be.

The majority of habitat lost will comprise short-grazed pasture and arable land of low value to great crested newts. However small sections of hedgerow will also be lost primarily beyond 250m of the breeding pond.

The proposal has been designed to avoid development within 100m of the breeding pond. The nearest corner of the site is dedicated to terrestrial and aquatic habitats that will provide high quality habitat for great crested newts. Green corridors are maintained and enhanced along the western and southern boundaries, providing habitat linkages from the pond into the wider landscape.

Habitat enhancements detailed in the MS include approximately 2.10ha of continuous terrestrial habitat areas within 250m of the pond and 1.51ha beyond 250m. This habitat will comprise native grassland and scrub that will be managed to provide high quality terrestrial habitat for the newts including hibernation features.

The MS considers the loss of a larger area of arable and pasture land is adequately mitigated by the provision of smaller areas of much higher habitat quality for great crested newts focussed on the areas of the site that are most likely to be used by the population breeding off-site to the west.

New aquatic and wetland habitats will also provide increased breeding opportunities for the newts which are lacking within the immediate vicinity excluding the existing pond.

The MS also makes reference to measures to be undertaken during the course of any development to prevent the newts from being killed or injured. All working areas will be subject to a capture and exclusion exercise under a European Protected Species licence from Natural England.

A post development management and monitoring scheme would be put

in place to ensure an acceptable scheme is delivered and maintained.

In terms of assessing the MS in particular Natural England refer you to their standing advice and leave it for the Council as local planning authority to consider. In doing this regard has been had to the English Nature publication Great Crested Newt Mitigation Guidelines 2001.

The key outcome of the proposed development is the loss of off-site terrestrial habitat which in the main appears to be of poor quality. The breeding pond itself is unaffected. Whilst a reduced area of terrestrial habitat is to be provided it does appear to be of greater value than that which would be lost and does potentially include some additional breeding areas. Overall there appears to be some benefit from the proposed scheme notwithstanding an area of habitat will be lost. Subject to appropriate measures being put in place, including conditions if a planning permission were granted, then the MS is considered acceptable and compliant with Policy 13(o) of the CSS.

7. S106 Matters

In the event planning permission is granted for the proposed development a S106 agreement would have to be signed prior to the issuing of any permission.

In response to the consultation exercise a number of agencies and organisations have requested financial contributions as follows:

Highway Authority - £250,531.61 (To include A6/Higham Road - A509 / Finedon Station Road - Higham Road / High St / Finedon Road junction improvements; enhanced public transport ; walking and cycling; Travel Plan delivery; bus travel vouchers and Jacques Road cycleway contribution)

KBC Community Infrastructure Requirements - £172,344.00 (Public open space; cemeteries; community facilities and sports facilities)

Hertfordshire NHS - £111,780.00 (Build costs to increase space within Burton Latimer Medical Centre for existing doctors surgery to expand to meet growth from development £621 per dwelling)

Northamptonshire County Council Key Services - £1,861,750.00 estimate (Education £1.8million estimate; Fire and Rescue infrastructure £16,560 max £92 per household; Library expansion and improvements £45,190.00 estimate £88 per person)

Total £2,236,905.00 (estimate)

These have been discussed with the applicant and whilst they have agreed in principle to some they have queried how certain sums have been arrived at and also questioned the legitimacy of a number of requests. In particular they consider a number of requests do not satisfy the tests laid down in the CIL (Community Infrastructure Regulations)

which require such agreements to: be necessary to make the development acceptable in planning terms; directly related to the development; and be fairly and reasonably related in scale and kind to the development. Discussion with the applicant will continue with regard to these issues dependant upon the outcome of the determination of this application having regard to the officer recommendation.

It should also be noted that any S106 agreement will also have to include the delivery of the affordable housing, the open space, the travel plan and a monitoring contribution.

8. Other Matters

There have been no objections to the application from any of the formal consultees with the exception of the Environment Agency who have indicated that there is a technical solution to address their concern which will likely result in their objection being withdrawn. An update will be provided at the Planning Committee. Other consultation responses have requested conditions be attached to any permission and/or financial contributions be secured through a S106 agreement and requests that any future reserved matter submissions incorporate specific features.

As a result of the consultations undertaken with nearby residential properties two objections have been received, one from a resident of Jacques Road and one from Addis Close. The objections raised have been considered and are not considered to warrant refusal of the application.

Conclusion

The proposed development on land in the open countryside will have a detrimental impact on the intrinsic character and appearance thereof and additionally being located outside the town boundary for Burton Latimer is contrary to Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy and Policy 7 and 35 of the Local Plan for Kettering and does not meet the requirement in the National Planning Policy Framework for a presumption in favour of sustainable development.

The application fails to demonstrate a satisfactory scheme for the disposal of surface water from the proposed development and is therefore contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

John Hill Development Officer on 01536 534316