

## BOROUGH OF KETTERING

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| <b>Committee</b>         | <b>Full Planning Committee - 17/08/2010</b>                          | <b>Item No: 5.2</b>                      |
| <b>Report Originator</b> | <b>Michael Boniface<br/>Development Officer</b>                      | <b>Application No:<br/>KET/2010/0253</b> |
| <b>Wards Affected</b>    | <b>Slade</b>   |  |
| <b>Location</b>          | <b>Former Pub Site, The Green/School Road/Mawsley Chase, Mawsley</b> |  |
| <b>Proposal</b>          | <b>Full Application: 8 no. dwellings</b>                             |  |
| <b>Applicant</b>         | <b>Mr C Williams Taylor Wimpey East 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 a S.106 OBLIGATION being entered into, and to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To preserve the character of the area in accordance with polic 13 of the North Northamptonshire Core Spatial Strategy.

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

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

4. No development shall take place on site until full details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. All windows shall be timber framed. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the character and appearance of the area in accordance

with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. 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 building, structure or other alteration permitted by Class A, B or C of Part 1 of Schedule 2 of the Order shall be carried out in relation to any dwelling hereby approved.

REASON: To protect the character and appearance of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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

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

7. No development shall take place until a scheme of protection measures to safeguard the existing hedgerow during construction has been submitted to and approved in writing by the local planning authority. Thereafter, no development shall take place other than in accordance with these approved details. The hedgerow shall be protected in accordance with the approved protection measures throughout the construction period and retained in situ thereafter.

REASON: To protect the existing hedgerow in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until parts A - D have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,

- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the

Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in accordance with Planning Policy Statement 5.

10. No development shall take place other than in accordance with the sustainable construction, energy efficiency, waste reduction/recycling, water efficiency and water recycling measures described within the submitted Sustainability Statement received by the Local Planning Authority 4th May 2010.

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

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme indicating the positions, design, materials and type of screen walls and fences to be erected. The screen walls and fences shall be erected as approved before any dwelling is occupied.

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

12. The development hereby permitted shall not be carried out other than in accordance with the amended plan number SL1A received by the local planning authority 1st July 2010.

REASON: To clarify the terms of the permission.

Notes (if any) :-

- This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 3, 7, 9, 13, 23, 24 and Policies 1, 7, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

KET/2005/0916 – Change of use of land from agricultural to commercial public house – APPROVED 13/12/2005

KET/1995/0016 - New village comprising of 750 dwellings, school, shop, public house, village hall, church and open space and ancillary roads, services and works – APPROVED 11/05/1995

#### **Site Description**

Officer's site inspection was carried out on 02/06/2010.

The site comprises a grassed area on the edge of the village sports field. The site is surrounded by a post and rail fence with a well established hedgerow running across on a south west to north east axis. The playing fields adjoin the site to the south east; a community centre stands to the south, with a medical centre to the north. Residential properties also oppose the site from the west and north east. Land levels slope downwards to the north.

#### **Proposed Development**

8 dwellings (6 two storey and 2 two and a half stories).

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

- Open Space Adjacent
- Article 4 Direction Opposite

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

#### **Parish/Town Council**

Objection for the following reason:

- Visual amenity.
- Adequacy of parking, highway safety, traffic generation and access.
- Loss of trees.
- Nature Conservation.
- Title and status of land – site was extended to facilitate a pub. Insufficient marketing has taken place for this purpose at an appropriate value.
- Close proximity to community facilities – potential for noise, disturbance and dispute.
- Effect on local infrastructure.
- Loss of open space.

#### **Highway Authority**

No objection. The roads adjacent to the site are not currently adopted and there is no Section 38 Agreement in place. The submitted Transport Statement demonstrates that traffic levels would not be higher than that of the previous public house permitted on the site and there would be no detrimental impact on the immediate or wider highway network. Concerns are raised regarding access and visibility to plots 1 and 2 and the omission of parking from the terraced properties. It is also unclear what provision is made for the storage of refuse and recycling.

### **Environmental Health**

No objection however the applicant has referred to a contamination investigation from 2003. As the end user has changed along with the contaminated land regime, a further assessment should be secured by condition.

### **NCC Archaeology**

Past excavations near to the site suggest potential for Iron Age activity however this is likely to have been truncated by later activity such as ploughing. A condition should secure appropriate investigation and recording.

### **The Wildlife Trust**

No objection however the proposed landscaping should be amended to include native planting species only.

### **Natural England**

No objection as the proposal is unlikely to impact protected species and nesting birds are already protected by law. Retention of the existing hedgerow is supported and other native species should be incorporated within any landscaping scheme.

### **Sport England**

No objection.

### **Anglian Water**

No objection. There is sufficient water resource and supply capacity available to serve the development. Furthermore, foul flows, surface water and wastewater can each be accommodated within the networks.

### **Neighbours**

81 letters of objection for the following reasons:

- Site was set aside for public house or other community facility.
- Loss of open space.
- Overdevelopment/too many houses.
- Existing mess in the village should be cleared by the builders.
- Highway safety, congestion and parking issues.
- Conflict between housing and community centre.
- Potential noise and disturbance to future residents from the adjacent sports field, play area and community centre.
- Loss of village character.
- A pub is a needed community facility.

- Crime and anti-social behaviour.
- Building works in Mawsley should come to an end.
- Proposal is a money making exercise.
- The hedgerow provides a habitat.
- Disruption of wildlife.
- Loss of hedgerow and trees.
- Number of houses in Mawsley has already grown significantly.
- Increased demand for school places.
- Impact on footpaths.
- No need for additional housing.
- Inappropriate density and layout.
- Impact on Article 4 area.
- Would set a precedent for further loss of the playing field.
- Site was originally extended in order to facilitate a pub.
- Concerns that site is not level.
- Impact on visual amenity.
- Site has not been sufficiently marketed as a pub.
- Impact on local infrastructure.

## **5.0 Planning Policy**

### **National Policies**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS5 – Planning for the Historic Environment

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

PPG17 – Planning for Open Space, Sport and Recreation

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

### **Development Plan Policies**

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

1 – Strengthening the Network of Settlements

7 – Delivering Housing

9 – Distribution and Location of Development

10 – Distribution of Housing

13 – General Sustainable Development Principles

14 – Energy Efficiency and Sustainable Construction

#### **Supplementary Planning Documents**

Sustainable Design (February 2009)

## **6.0 Financial/Resource Implications**

Unilateral Undertaking under S106 requiring the applicant to offer an area of open space and the established hedgerow to the Council.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development;
2. Design, Character and Appearance;
3. Neighbouring Amenity;
4. Environmental Matters;
5. Ecology;
6. Archaeology;
7. Highways and Parking;
8. Sustainable Construction and Energy Efficiency;
9. Planning Obligations.

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

PPS3 outlines the government's commitment to provide a steady supply of housing that meets the needs of all, including in rural areas. While this is so, it stresses that development should be provided in a sustainable manner and in conjunction with PPS7 places considerable weight on protection of the open countryside, both for its intrinsic value and for accessibility.

Policy 9 of the North Northamptonshire Core Spatial Strategy (CSS) stipulates that development will be located to strengthen the network of settlements with priority being given to the reuse of suitable previously developed land in urban areas. At least 30% of the overall housing requirements for North Northamptonshire should be provided on previously developed land and buildings.

Policy 10 of the CSS makes it clear that new housing development is to be focused on the Growth Town of Kettering, with modest growth at Smaller Towns and Rural Service Centres. Limited development is to be allowed within villages, with restricted development in the open countryside. It is however expected that a maximum of 1640 dwellings will be allowed in the rural areas of the Borough up to 2021; provision and extant planning permissions remain below this figure at 1422.

Mawsley is a relatively new village developed in open countryside and no formal settlement boundary has yet been identified within the Development Plan; as such, the entire village stands in open countryside. While this status could therefore be applied to the site in question, the buildings would be well sited in relation to the existing built form of the village, adjacent to further dwellings and community uses, with a sports field providing a transition to the undeveloped rural and agricultural land beyond. The settlement is served by a village centre comprising local shop, hairdressers, nursery, medical centre and a school. The village is also served by public transport and it is considered therefore that the dwellings would occupy a reasonably sustainable location. It should also be recognised that this site has always been intended for development, albeit for use as a public house.



Although planning permission was granted for a public house in 2005 under reference KET/2005/0916, this permission has since expired and the land use therefore remains agricultural, though more recently used as incidental open space. Criteria 'g' of CSS policy 13 states that no net loss of open space or recreation facilities should result from development unless a site of equivalent quality and accessibility can be provided. The Council's Open Space Needs Assessment carried out in accordance with PPG17 identifies such spaces; the area of the application site to be developed is not identified within this study and as such, no net loss of formal open space would result. A large sports field and equipped children's play area stands adjacent to the proposed dwellings but would remain unaffected following the submission of amended plans. A Unilateral Undertaking will require that the remaining land which forms part of the sports field and the established hedgerow to be passed over to the Council in order to ensure that a green edge is maintained between the development and the sports field.

A great deal of correspondence has been received raising concerns that a public house will not be delivered within the village as a result of the proposed development. It is recognised that public houses can represent important community facilities and that they can assist in building sustainable and cohesive communities. Furthermore, the site was identified for use as a public house within the original master plan for the village, and a planning permission was subsequently granted in 2005. While this is so, there is no adopted Development Plan policy requiring the provision of a public house, nor is there any requirement under a planning condition or legal agreement associated with the village and as such, the Council cannot insist upon provision or reservation of the land for this purpose. It is regrettable that a public house appears unlikely to come to fruition but this does not represent a reason to oppose other forms of development which may be acceptable on their own merits. The applicant has provided marketing information demonstrating attempts to dispose of the land as a site for the provision of a public house but has been unsuccessful. While the period of marketing and the value of the land can be questioned, this does not alter the position set out above and the anticipated use of the site by local residents cannot be given significant weight.

Overall, the proposed residential development would contribute to the provision of housing within the Borough in accordance with both national and local planning policy. The development is considered acceptable in principle, subject to the detailed considerations set out below.

## 2. Design, Character and Appearance

The proposed development originally involved 10 dwellings but has since been reduced to the current proposal for 8 dwellings following concerns regarding encroachment upon the adjacent sports field and loss of an established hedgerow. The dwellings have been sited so as to provide an active frontage to all public viewpoints and the reduced number allows for the existing hedgerow to be retained. The hedgerow and strip of land to the east (adjoining the sports field) are to be offered to the Council via a Unilateral Undertaking

and this will ensure control over retention of the hedgerow which will provide an important green edge between the proposed development and the open sports field adjacent.

Although frontages are presented to all public highways, dwellings have been set back behind front gardens in order to reflect the character of surrounding properties and provide an open appearance with good potential for landscaping. A mix of house types has been proposed, again reflecting the variety of the surrounding buildings, with two 2.5 storey dwellings to the centre of the site and six 2 storey dwellings on the remainder of the site. This variation in height, scale and form will add visual interest to the development and coupled with the use of appropriate materials will help to integrate the dwellings into their context of terraced and detached dwellings, commercial and community buildings. It is noted that the site slopes upwards towards the sports field and a condition should therefore secure details of finished floor levels for the buildings in order to protect the character of the area and avoid over dominance.

The surrounding properties are constructed from high quality materials, many of which include natural stone, slate and timber framed windows. The proposed development would occupy a prominent location within the village centre and it is therefore expected that any building present a similar quality. A condition will therefore secure samples of the proposed materials to be submitted to the Council for approval, along with timber framed windows. Large areas of Mawsley are subject to Article 4 directions which remove permitted development rights for alterations and extensions without express planning permission. These are important for protecting the character and appearance of the area and permitted development rights should again be removed from the proposed dwellings by condition.

The detailed elevational design of the buildings is relatively simple, tending to present a symmetrical window placement, Georgian style porch and gable ended construction. While of no outstanding architectural merit, the buildings do reflect the design and appearance of properties opposing the site and the resulting quality will be gained through the proposed materials. The proposed development is considered appropriate within its context.

Properties are to be served by either individual or shared driveways with detached garages serving 5 of the proposed dwellings. Garages have been set back within the plots to avoid prominence of these functional buildings has therefore been subtly integrated within the scheme.

The proposed development is considered to accord with criteria 'h' of policy 13 within the North Northamptonshire Core Spatial Strategy and the design principles contained within PPS1.

### 3. Neighbouring Amenity

The site is well removed from surrounding dwellings and the proposed residential use is entirely compatible with the surrounding residential uses.

While use of the site would intensify as a result of the development, vehicular movements and general noise and disturbance is likely to be much less than the public house use previously approved. No loss of amenity would result to any existing residential property.

#### 4. Environmental Matters

The applicant has referred to a contamination investigation carried out in 2003. As the proposed development has changed to a sensitive end-user and given the underlying geology across Northamptonshire which commonly presents unacceptable levels of arsenic, vanadium and chromium, a further investigation and remediation scheme should be secured by way of condition.

The proposed dwellings are sufficiently removed from neighbouring commercial uses as to avoid significant detriment in terms of noise and disturbance and the scheme is considered acceptable in this respect.

#### 5. Ecology

An Ecological Survey has been submitted in support of the application which demonstrates that the site has limited potential to act as habitat. The amended scheme involves retention of the existing hedgerow and no detriment will therefore result to ecological interests, particularly protected species. Nesting birds are protected by law under the provisions of the Wildlife and Countryside Act 1981 and the developer must therefore be mindful of their obligations in these regards.

It is important that the landscaping of the site is restricted to native species in order to maintain local landscape character and improve the biodiversity value of the site and a landscaping scheme should be secured by condition.

#### 6. Archaeology

The site stands within a landscape known to contain Iron Age activity and settlement. Parts of the new village were selectively excavated in 1999-2000 but the application site itself was not examined in detail. The results of the trenches nearest to the application site indicate that there may be surviving remains however these are likely to have been truncated by later activity such as ploughing. While the significance of such remains are not such as to prevent development, it is considered appropriate to attach a condition requiring investigation and recording of any remains in accordance with PPS5.

#### 7. Highways and Parking

The roads surrounding the site are not adopted by the Highway Authority at present however it is expected that they will be offered for adoption in the future.

The submitted Transport Statement demonstrates that the proposed development would result in less traffic movements than the public house use

previously permitted and the Highway Authority are satisfied that the local and wider highway network is capable of accommodating the proposal.

The Highway Authority has commented on the detailed design of the vehicular access to driveways and the applicant is now seeking to amend the proposals in order to achieve the required widths, visibility splays and distances from the highway. Members will be updated at the Planning Committee however it is expected that the minor alterations can be accommodated and a condition can be used to secure the details.

#### 8. Sustainable Construction and Energy Efficiency

Policy 14 of the CSS requires that development incorporate techniques of sustainable construction and energy efficiency makes provision for waste reduction and recycling, and provision for water efficiency and water recycling. The applicant has submitted a Sustainability Statement which outlines a number of measures including A-rated boilers, zoned heating systems and low energy light fittings. Flow restricting taps and dual flush toilets would reduce water usage and water butts will allow recycling. Space for storage of recycling and refuse would also be provided. A condition should be used to ensure accordance with this document.

#### 9. Developer Obligations

Developer contributions are often sought towards local infrastructure under S106 of the Town and Country Planning Act 1990 in order to mitigate any adverse impacts that would result from a development. Such contributions can only be required however where in accordance with adopted Development Plan Policy and where reasonable and necessary as a result of the proposed scheme. Based upon current planning policy and guidance the proposed development does not trigger a need for contributions. No evidenced need of justification has been provided in accordance with Circular 05/2005 to suggest that the development would result in detriment to local facilities or infrastructure, nor is there any planning policy requirement for financial contributions; as such, no financial developer obligations can be required.

As discussed previously, the applicant has amended the scheme during the course of this application in order to retain the established hedgerow and avoid encroachment on the adjacent sports field and play equipment. In order to ensure that the hedgerow remains in situ and continues to provide a green buffer between the built environment and the adjacent sports field, the applicant intends to offer the land to the Borough Council. The development is therefore acceptable, subject to a Unilateral Undertaking being submitted to require this land to be offered at no cost to the Council.

#### Conclusion

The proposed development accords with both national and local planning policy and there are no material planning matters that indicate against the scheme; as such, planning permission should be granted.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Michael Boniface, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

## SITE LOCATION PLAN

Former Pub Site, The Green/School Road/Mawsley Chase, Mawsley  
Application No.: KET/2010/0253



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