

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 12/02/2013</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Rebecca Collins Senior Development Officer</b>	<b>Application No: KET/2012/0228</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>Diana Way (land off), Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: As amended, erection of 112 no. dwellings with associated garages and external works</b>	
<b>Applicant</b>	<b>Mr N Painter &amp; Mr B Moseley Esq Orbit Homes Ltd &amp; Burton Land LLP,</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 completed on or before 31st March 2013 or, if not so completed, it be determined under delegated powers by the Development Control Manager, 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 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 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

3. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity and designing out crime in accordance with policy 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

#### 4. Development on land affected by contamination:

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

##### A. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

##### B. Submission of Remediation Scheme

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

1990 in relation to the intended use of the land after remediation.

### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition c.

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

5. The dwellings shall be constructed so as to provide the level of sound reduction in accordance with the report reference AAL/BS12028 dated April 2012 by Acoustic Associates to ensure that the guideline levels set out in British Standard 8233:1999 for 'good' standard of residential accommodation are complied with. Upon completion of all works and before occupation, a scheme detailing the methodology for monitoring the effectiveness of the sound reduction measures and the competency of the person carrying out the monitoring must be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

REASON: In the interests of residential amenity in accordance with policy 13 of the CSS.

6. No development shall take place on any part of the application site unless and until a Construction Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be

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

REASON: In the interests of residential amenity in accordance with policy 13 of the CSS.

7. Notwithstanding condition 23, prior to the commencement of development a plan of no less than 1:200 showing in detail the layout of the shared surface areas as labelled 'The Mews' and 'The Square' as shown on plan reference RDC907\_110J received on 06.12.2012 detailing the materials to be used in the construction of the hardsurfacing, shall be submitted to and approved in writing prior to the commencement of development. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not have an adverse impact on the highway network and will not prejudice highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all public areas including the open spaces. The landscaping, open space and biodiversity measures shall be in accordance with the details as shown on the Strategic Landscape Masterplan reference ORB 18126 10 A received on 19.10.2012. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

9. Development shall not commence until a drainage strategy including on and off-site works 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 strategy, and the building shall not be occupied or the use commence, whichever is the sooner, until the approved strategy has been fully implemented.

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

11. Development shall not commence until a Construction Ecological Management Plan, including any onsite or offsite works 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 strategy.

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

12. Before the development hereby permitted is begun, a scheme for generating 10% of the predicted energy requirement for each phase of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans

and elevation drawings detailing the design and appearance of the equipment proposed along with their proposed siting. The approved scheme shall be implemented before the relevant phase of the development is first occupied and shall remain operational for the lifetime of the development.

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

13. Prior to the commencement of development, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste and water recycling and provision for water efficiency and recycling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

14. In the interests of protecting, biodiversity the works shall be carried out in accordance with:

a) The proposals for the retention, protection and future measures for biodiversity as outlined in section 6 of the Extended Phase 1 Habitat Survey as submitted dated April 2012 shall be fully implemented;

b) The proposals for the retention, protection and future measures regarding biodiversity as outlined in the Woodland Management and Enhancement Plan 2012-2017 as submitted dated April 2012 shall be fully implemented;

c) The proposals for mitigation and enhancement for reptiles as outlined in the "Reptile Survey", dated October 2012, as produced by the consultants Middlemarch Environmental Ltd.

REASON: In the interests of protecting ecology and biodiversity in accordance with policy 11 of the NPPF and policy 13 of the CSS.

15. No other development shall commence until visibility splays of 2.4 metres by 2.4 metres have been provided for all properties where the access road meets with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

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

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

REASON: To protect the privacy of the occupiers of adjoining properties in accordance with policies 13 of the North Northamptonshire Core Spatial Strategy.

17. No development shall commence on site until details of a scheme for the storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby permitted shall not be occupied until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is

caused on the adjoining highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

18. No development shall take place on site until details of measures to be taken to prevent spoil or mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented before the development commences and retained for the duration of the construction period.

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

19. Development shall not begin on site until a surface water drainage scheme (SuDS), based on sustainable drainage principles and an assessment of the hydrological and drogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of any of the dwellings hereby approved. The scheme shall also include:

i. Discharge rates as set out in the approved Flood Risk Assessment R-FRA-Q5964PP-01-B Revision B, dated September 2012.

ii. Reference to the hierarchy of drainage and above ground Sustainable Drainage Systems features.

iii. Details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in accordance with policy 10 of the NPPF and policy 13 of the CSS.

20. No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

REASON: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with policy 10 of the NPPF and policy 13 of the CSS.

21. The development shall not be carried out other than in accordance with the approved layout as shown on plan reference RDC907\_111 received on 31.01.2013.

REASON: To define this permission for the avoidance of doubt.

22. No development shall take place on site until details of the width, alignment, gradient, sight lines and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby permitted is commenced, or the buildings occupied, whichever is the sooner.

REASON: To ensure that the roads are constructed to a satisfactory standard and to

design out antisocial behaviour in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

23. Prior to the commencement of development of plots numbers 101-110 as shown on plan reference RDC907\_110J received on 06.12.2012, a stopping/diversion order for footpath UA012 shall be in place.

REASON: To ensure that existing public rights of way are not detrimentally impacted on by the proposed development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- Further to condition 4 and due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site therefore the required investigations must take naturally occurring contaminants into consideration. Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide. This document is downloadable at [http://www.kettering.gov.uk/downloads/developers\\_guide\\_may\\_04.pdf](http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf)

If you wish to discuss the requirements of the investigations further please contact Mrs Alex Gratrix, Team Leader (Environmental Protection) on (01536) 534348; or email at [contaminatedland@kettering.gov.uk](mailto:contaminatedland@kettering.gov.uk)

Contractors and sub contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

Further to condition 11, a Ecological Management Plan (EMP) is the framework that sets out the detail of the appropriate conservation management of both the existing and the new habitats areas for biodiversity objectives in perpetuity . The requirement to prepare and implement perhaps both a Construction Environment Management Plan (CEMP), during the actual construction period of this site, and then, in addition, the need for there to be an Environmental (ideally, an Ecological) Management Plan (EMP) proper, to be implemented during the 'operational' phase of this site, that sets out the detail of the appropriate conservation management of both the existing and the new habitats areas for biodiversity objectives in perpetuity should be carefully considered. These documents and this approach must also cover all aspects of retention, protection and enhancement of the biodiversity assets too (including the new habitat creation areas and the GI network).

The future, long-term, management of the GI in and beyond this site will be a very important and crucial point in the delivery of high-quality, sustainable and well-managed habitats areas for wildlife in perpetuity. Therefore, detailed Ecological Management Plan documents will be needed to ensure that they include the very important component of the appropriate and sympathetic

ecological / biodiversity management and monitoring of both the existing and the to-be-created habitats.

The activity of monitoring in association with the EMP for this site needs to be fully informed by a detailed knowledge of the limits of acceptable change for all of the ecological aspects involved. An Ecological Management Plan document should include detailed management prescriptions for each part of the area and an explanation of the long-term monitoring programme that will act as a feedback loop to this Plan document and a check on the success, or otherwise, of the biodiversity objectives of the site. It should include what is to be done, when it is to be done, how frequently it will be done, what manpower will be needed, what tools and equipment will be needed, and, very importantly, how much it will cost. Also, how the future management of the GI features will be secured.

The emerging development proposals here should look at the possibilities for delivering both county Biodiversity Action Plan target objectives ( see [www.northamptonshirebiodiversity.org](http://www.northamptonshirebiodiversity.org) ) and the provision of a Green Infrastructure network contribution, as already discussed above. The project should indeed be aiming to deliver a nett biodiversity gain for the local area as a result of its delivery on-the-ground.

In accordance with condition 19, whilst a scheme which ensures that the development does not increase flood risk off site has been included in the FRA, the hierarchy of drainage should be considered. The FRA acknowledges that the River Ise runs close to the site however, the FRA state that as the Anglian Water main runs through the site, surface water run-off will be to the Anglian Water sewer. In addition to the Ise, there is a non-main watercourse of the North West boundary of the site that discharges into the River Ise. Given the location of the site, discharge to watercourse appears feasible. The Anglian Water pre-development report, whilst giving a discharge rate, also confirms that the hierarchy of drainage should be followed with discharge to sewer is the last resort.

The overall drainage strategy and point of discharge should be reviewed in light of these comments.

The Kettering and Wellingborough Level 1 Strategic Flood Risk Assessment (SFRA) states that “developers should utilise best practice measures for reducing the loading on the drainage infrastructure. Development sites should use a combination of site-specific and strategic SuDS measures encouraging source control, where possible, to manage surface runoff”. The FRA guidance contained in Appendix E of the SFRA states that SuDS are required and the types possible are set out in Appendix F.

SuDS should be used on site and examples such as permeable paving, swales and filter strips etc. should be used. Should infiltration not be possible on the site, SuDS can still be utilised to convey and store surface water run-off. Areas of open space on the site could be utilised and SuDS features such as swales and ponds may added to the amenity and ecologic value of the site. For example, the area where the underground storage is shown to be located could have a dual purpose; as an area of open space and act as a shallow detention pond



designed to flood in the higher order events.

In accordance with condition 20, an adequate scheme would need to be submitted which demonstrates that there is (or will be prior to occupation) sufficient infrastructure capacity for the connection, conveyance, treatment and disposal of quantity and quality of water within the proposed phasing of development.

With regards to condition 3, methods for designing out crime should include the following; the private drive fronting plots 1-3 should have a 1.2m high metal railing or similar to prevent casual access onto the private land and reducing the opportunity for crime against parked vehicles and anti social behaviour; all gates to the rear of dwellings should be lockable; and communal gates should be of 'hit and miss' type. This will help identify if anyone has gained access to the alley and is visible to either those legitimate persons entering or persons for casual surveillance. In addition, could the fencing to the rear of plots 51/52 be revised to 1.5m high closeboarded fencing with 300mm trellis above. This will improve surveillance by the owners of vehicles parked within.

With regards to condition 22, the unadoptable communal areas should have uniform low level lighting. This could be achieved in some areas by dusk to dawn lighting installed to the perimeter of dwellings/garages.

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

The proposal conflicts with national and local policies as set out in Policy 6 of the NPPF, policy 11 and 13b of the EMRP and policy 1, 9 and 10 of the CSS in terms of development outside the settlement boundary and within open countryside. These issues relating to development in open countryside and previously approved applications are material considerations and are sufficient to indicate in favour of the proposal and to outweigh the policies referred to above. The proposal is further in accordance with Policies 4, 7, 8, 10 and 11 of the Framework, policies 2, 14 and 44 of the EMRP, policies 5, 6, 7, 13, 14 and 15 of the CSS and policy 39 of the Local Plan for Kettering Borough.

## **Update Information**

### **History**

KET/2009/0546 – An outline application for 80 dwellings which was refused for reasons of development outside the settlement boundary, character, ecology, archaeology and impact on highways. This refusal was appealed and the appeal was dismissed but only on the grounds of impact on highways (all other matters were either not accepted by the Inspector at the appeal or agreed prior to the appeal).

KET/2010/0654 – An outline application for 80 dwellings with all matters reserved apart from access. This application was approved.

KET/2012/0228 – Planning Committee recommended the application for refusal for reasons of overdevelopment, obvious by the limited size of gardens. Also, concerns with regards to potential flooding.

### **Background**

The previously consented scheme of 80 dwellings was an outline application with all matters apart from access reserved. The indicative layout submitted with approved application reference KET/2010/0654 showed 80 large detached dwellings, this number of dwellings would result in a total number of 26 dwellings per hectare. However, this application did not include the area of woodland to the north western boundary of the site and therefore offered none of the potential improvements in terms of accessibility and habitat, which this proposed development does. Including the area of woodland, similar to this proposal, then the density would only be 21 dwellings to the hectare. This is not only a low density, not making efficient use of land, but would also fail to effectively respond to the affordable housing need in this area and is not viable for the applicant in terms of delivery. Policy 6 of the NPPF states that the local planning authority should 'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities'.

The previously dismissed appeal, application reference KET/2009/0546, the Inspector dismissed the appeal on the grounds that the proposal would impact the safety and functioning of local roads and transport networks. The Inspector gave no indication that number of dwellings should be capped at 80 dwellings, in fact the appeal report stated that provided there was sufficient infrastructure to support the development then numbers in addition to those outlined in the CSS (Table 5) was acceptable in this Market town, a secondary focus for growth. The Inspector put no weight on the quality of the landscape in this area and stated that there was a presumption in favour of sustainable development, based on the local planning authorities inability to demonstrate a 5 year housing land supply. The situation with regards the 5 year supply has not changed and the infrastructure is considered suitable to support 112 dwellings on the grounds that no concerns have been raised by statutory consultees and necessary works to highways and drainage are covered by condition or through the requirement for s.106 contributions.

The proposed development of 112 dwellings would result in a density of 30 dwellings to the hectare, this is considered to be an effective use of land. The proposal includes a mix of housing and affordable housing to meet market need as well as

significant upgrading of the existing woodland and in excess of 2,000m<sup>2</sup> of open space. In addition, the section 106 agreement requires primary and secondary school contributions, upgrades to local public transport routes and bus stops and local junctions.

### **Amendments**

The site layout has been amended through the substitution of house types providing further one bed dwellings which are currently in urgent need as outlined in the latest housing needs assessment for affordable housing. The amendments to the layout include:

A dwelling has been removed from the northern boundary of the site, the remaining dwellings have been spaced out and to allow greater spacing between residential properties and wider rear gardens. The gardens here are 10 meters in depth.

The proposed disabled bungalow, urgently needed for affordable housing, has been relocated to the entrance of the site off Hawthorn Road and has a much larger rear garden than previously proposed (8m x 11m now compared to 5m x 9m previously). The bungalow previously situated adjacent to the eastern boundary of the site has been replaced by a row of terrace properties, located further away (11 meters) from the rear boundaries of the neighbouring properties, numbers 34 and 36 Diana Way. The replacement row of terrace properties have in excess of 10 meter rear gardens resulting in excess of 20m separation distances between the proposed properties and those off Diana Way.

On the opposite site of 'the street' a large double garage has been removed to create a larger area of public open space on the corner of 'the Street' and 'the Avenue'. Properties here, through the variation of houses types, have been repositioned to create greater back to back distances between properties off 'the Avenue' and therefore larger gardens, there is 20m separation between these properties and suitably sized garages and car parking is available adjacent to each property.

'The Mews' is retained as a strong focal termination to 'the Street' and a distinct character area in the centre of the site, with over 20 meter separation distance from properties to the rear.

The layout of the affordable housing off Hawthorn Road has been significantly improved, the car parking court in the centre of the square of housing (plots 39-55) has been removed and replaced with additional garden space. The required car parking has been moved to adjacent to the 'the Street' or Hawthorn Road. Garden sizes are now between 8 and 10 meters (previously between 5-6m).

Plot 55 is closer to the boundary with number 31 Diana Way, it is however 3 meters away from the boundary and set at an angle so at the widest point there is over 10 meters between the properties. Due to the angle of the proposed dwelling and the separation between the existing properties, the proposal is unlikely to have a significant impact on the amenity of this property either in terms of overshadowing or overbearing in accordance with policy 13 of the CSS.

Plot numbers 36-37, 39-42 and 45-46 are flats, these have small rear plots suitable for the storing of refuge and cycle storage as well as providing some private outdoor space, with access to open space within the site.

### **Gardens**

The majority of the gardens across the site are in excess of 8m, with most being a minimum of 10m in depth. Only 2 plots have smaller gardens of 6 meters (plots 34-35). However, these dwellings are smaller in scale, 2 bed properties and allow some choice for occupants to have smaller gardens. As all other 100 dwellings achieve the garden sizes in excess of 8 meters with separation distances in excess of 19 meters then the proposal is considered acceptable and in accordance with policy 13 of the CSS.

### **Affordable Housing**

The proposed development would provide 34 much needed affordable units, this is 30% of the total housing provision which is in accordance with policy 15 of the CSS.

A supporting statement from the Local Authority Housing service (attached in Appendix A) has been submitted which outlines the current need and lack of supply of affordable housing across the Borough. Aside from one scheme and some larger developments with planning permission already on site there are no other guaranteed completions of affordable housing in 2013/14. The delivery of much needed new affordable homes is slowing. Welfare Reform has cut the amount of benefit that people can get if they are deemed to have a spare bedroom in their council or housing association home, increasing the requirement for one bed units. The applicants are Orbit Housing Association who are a Registered Provider which have a private arm as well as being an affordable housing provider. The proposed scheme has been developed in discussion with the Borough Council which has resulted in a more economically viable scheme that now incorporates a full range of dwelling sizes including much needed one beds and a single storey dwelling. The proposed mix of housing better reflects the need identified in the Strategic Housing Market Assessment Update 2012.

### **Flooding**

The site slopes from north to south away from residential properties to open countryside. The site is located in Flood Zone 1, the flood zone with the lowest probability of flooding. The applicants have submitted a detailed Flood Risk Assessment which states that the probability of flooding in Flood Zone 1 is less than 0.001%. The risk of flooding from other sources has been assessed as low. It is noted that a number of neighbours are concerned with regards to flooding, the applicant has submitted a detailed flood risk assessment which contains the following drainage proposals for the site which will alleviate any risks of flooding. The measures are acceptable to both the Environment Agency and Anglian Water.

Storm Water is to be collected from the proposed development into new below ground, gravity operated storm water sewers. The sewers shall outfall into existing Anglian Water sewers within the development boundary. Anglian water agree that these connections can be made. Flow from the site shall be limited to best match the current run off rates (green field rates). The system has been designed to not flood for a 1 in 100 year rain fall event with allowance for 30% climate change.

In addition, it is important to note that there are a number of large trenches within the site, possibly dug for the archaeological investigation. At times of high rainfall these fill up with water, giving the appearance that the site is flooding.

## **Conclusion**

The earlier application for 80 dwellings, as outlined further in the attached report, set the principle for residential development in this location. This application is an increase of 32 dwellings on that previously consented scheme but that increase would achieve a greater mix of house types and tenure and offers an opportunity to significantly improve the neighbouring woodland. The layout has been altered through the re-distribution of house types, garden sizes have been increased overall and the amenity of neighbouring properties maintained or through the relocation of the bungalow, improved through increasing the spacing of proposed dwellings from boundaries.

Suitable mitigation measures for flooding have been agreed with the Environment Agency and Anglian water and the necessary conditions imposed.

National and Development Plan Policies by which the proposal has been assessed and matters of access, highways and parking, impact on the character of the countryside, environmental matters, ecology, archaeology, impact on Public Rights of Way, crime, sustainable design and Developer Obligations remain as previously reported in the attached report.

## **January Officers Report**

### **3.0 Information**

#### ***Relevant Planning History***

*KET/2010/0654 – Residential development for 80 no. dwellings (all matters reserved except access) (APPROVED)*

*KET/2009/0546 - Residential development for 80 no. dwellings (all matters reserved except access) (REFUSED) – Appealed and dismissed*

*KET/2008/0390 - Residential development (REFUSED) – Appealed and withdrawn*

*Off Diana Way there is a site, which is surrounded by this application site which has permission for residential development the details are as follows:*

*KET/2012/0078 – Outline permission for residential development (APPROVED)*

#### ***Site Description***

*The site measures 3.2 hectares in area and is located to the south west of the town. The application site is located outside the town boundary for Burton Latimer and as such is classified as open countryside. The site is characterised by grassland and is well used for dog walking with various unofficial paths created within the site. There is a public footpath that runs adjacent to the northern boundary of the site, within the boundary of the application site. Land levels slope significantly downwards in a westerly direction.*

*Residential development stands to the north (Diana Way) and east (Hawthorn Road and*

Hillcrest Avenue) of the application site comprising a mix of modern detached, semi detached and terraced dwellings. Land to the south and west largely comprises open agricultural land. Land associated with Bosworths Nursery and Garden Centres is located to the south and there is mature woodland to the west known as Hogs Hollow, a County Wildlife Site.

**Proposed Development**

Full planning permission for the erection of 112 dwellings with associated garages and external works.

**Any Constraints Affecting the Site**

Area TPO

Local Wildlife Prime Site

Outside Town Boundaries

**4.0 Consultation and Customer Impact**

**Parish/Town Council**

Object to the proposal on the grounds that the density is too high, the garage court area would lead to anti-social behaviour, the mews area tends to form an area for various nefarious activities; there will be too high traffic volume on Diana Way leading to congestion on Queensway, Churchill Way and Regent Road, Hawthorn Road and Hillcrest are unsuitable roads for the increased number of vehicles, insufficient school and sewage provision.

**Highway Authority**

The layout provides for good access and circulation with good road widths and visibility. At the time of technical approval all dwellings will have to be shown to provide 2.4m x 2.4m pedestrian visibility splays, this should be conditioned.

One area of concern is how the bridleway will be neatly diverted given that a section of it runs through the David Wilson Homes site and they are accommodating it across the front of their site. As this section would not be in need of diverting for the Orbit development to take place I cannot see a neat way as to how it could be dealt with, other than using the Highways Act rather than the Town and Country Planning Act to divert the route.

**NCC – Minerals and Waste**

No objection.

**NCC – Education**

Development is considered acceptable subject to contributions to primary, secondary and sixth form education and libraries.

**Fire and Rescue**

No objection subject to a contribution.

**Northants Police**

No formal objection subject to the private drive fronting plots 1-3 should have a 1.2m high metal railing or similar to prevent casual access, all gates to the rear of dwellings should

be lockable. Communal gates should be of 'hit and miss' type. The unadoptable communal areas should have low level lighting.

### **Primary Care Trust - NHS**

Would like the LPA to adopt the same approach as with application reference KET/2010/0643, this will allow the Burton Latimer Medical Centre to absorb the increased patient numbers as a result of the development.

### **Wildlife Trust**

08/06/2012 - The scope and content of the ecologists report is acceptable and satisfactory, the actions as outlined in section 6 of the applicants report should be fully implemented. Further work is required with regards to reptiles, prior to approval and the buffer between development and woodland should be greater. There is no attention given to Green Infrastructure and there does not appear to be any analysis of the cumulative impacts in an ecological sense including a comprehensive review of the effects of the development upon existing biodiversity in combination with other relevant encroaching development. The broad scope and content of the Woodland Management and Enhancement Plan is acceptable provided that the plan is conditioned to be actioned on the ground. The plan should include a construction ecological management plan considering the potential for the larger Hogs Hole local wildlife area to undergo some conservation management and monitoring. The Wildlife Trust requests mitigation and compensation measures are required in relation to the impacts and effects upon the LWS, GI network and NIA.

In response to the Wildlife Trusts concerns, further information with regards to Green Infrastructure and a Reptile Survey has been submitted. Their response to that additional information submitted is as follows:

14/12/2012 - With regards to Green Infrastructure the Wildlife Trust welcomes the amendments as shown on the 'Strategic Landscape Masterplan' provided this is delivered and managed appropriately.

The "Reptile Survey", dated October 2012, as produced by the consultants Middlemarch Environmental Ltd is considered acceptable in broad terms provided all of the ecologist's own recommendations, as made within the relevant parts of their report – especially those relating to the need for mitigation / enhancement measures to be applied here, especially Section 6.

With reference to both the letter, dated 03/12/12, as written by Helen Selwyn and sent to Mr Simon Copson of RDC, and the accompanying document entitled "Tree Report (Tree Survey and Constraint Advice)", dated 30/11/12, both from the consultants ACD Landscape Architects. The "Hog's Hole" Local Wildlife Site ( LWS ) is the remaining remnant of what was previously a much larger designated site area that was a SSSI – subsequently, largely lost and thus now de-notified. The Wildlife Trust's intention in recommending a wider buffer zone feature here was therefore not so much about the individual trees themselves, but was more about stopping increased pressures from new public footfall, domestic pets, dumping, and other undesirable activities, affecting the fabric of the LWS area; it therefore does not really take any account of ecological issues in the normal course of things and a wider buffer zone strip is required.

*Furthermore, no consideration has been given to the analysis of cumulative effects of this particular proposed development scheme being applied for here in an ecological sense.*

**Environment Agency**

*11/06/2012 - Object to the proposal as it fails to contain a suitable Flood Risk Assessment.*

*A revised FRA has been submitted in response to the EA comments.*

*06/12/2012 - The EA has no objection to subject to a condition requiring a surface water drainage scheme and a separate condition for mains foul water drainage on and off the site.*

**Anglian Water**

*There are assets owned by Anglian Water in within and close to the boundary of the site, which should be accommodated either in adoptable highways or open spaces. If this is not practicable then sewers will need to be diverted at the cost of the developer. The foul drainage is in the catchment of Broadholme which has available capacity. The sewage system has capacity. The preferred method of surface water disposal is SUDs. The surface water strategy/FRA is acceptable and should be conditioned.*

**Sport England**

*No comments.*

**Environmental Health**

*No objection subject to conditions with regards to contaminated land, noise and a construction management plan.*

**Community Services**

*No objection subject to contributions to open space, indoor sports and leisure and a long-term management fee for the maintenance of open space.*

**Housing**

*Support the proposal on the grounds that Kettering Borough Council currently has approximately 2,784 active applications on its Housing Register. This demand for affordable housing is only likely to increase due in part to a reduction in recent supply.*

*In 2010/11, 220 affordable properties were built in the borough. In 2011/12 this reduced drastically to just 87. We hope to be able to bring forward 146 affordable properties this financial year. Beyond the forecast for the current year we have no firm idea of any sites that will be brought forward, which is why we must be supportive of schemes like this one off Diana Way.*

*As well as the pressures on supply and demand, the Strategic Housing Market Assessment indicates a growing need for Social Rented properties as opposed to Affordable Rent. This need for Social Rent is particularly important in Burton Latimer where house prices are higher and Affordable Rent products are likely to be unaffordable for many households on our housing register.*

*The Housing Strategy team at KBC has been involved from the outset with this scheme*



with regards to formulating property size and type and we are happy with the mix proposed in the application, especially the disability bungalow, which is urgently needed as shown on the site.

### **Neighbours**

36 letters have been received, from 20 different addresses objecting to the proposal on the grounds that:

- The increased number of houses for the site is overdevelopment
- Hawthorn Road is too narrow and increased number of houses will increase on-street car parking to the detriment of the existing residents who park on the street.
- Affordable housing will reduce local house prices
- Affordable housing should be for local people only
- View across the open fields will be lost
- Increase cars and traffic congestion and safety is a concern on roads surrounding the site
- Traffic risk to the safety of pedestrians and school children
- Accidents in the area will increase
- There is insufficient facilities in Burton Latimer to support new development
- Burton Latimer is taking too much development
- Development should enhance trees around the whole site
- Incorrectly refer to the Hawthorn hedge at Hawthorn Road/Hillcrest as thin
- Drainage and flooding will be an issue
- No consultation with residents
- Concern over increased crime
- Where are s.106 monies going?
- Wildlife will be negatively impacted through the removal of hedgerow and disruption of hogs hollow
- Retention of greenspace should be supported
- Noise generation and disturbance from the development
- Should provide more bungalows
- Loss of privacy and light
- Development should face onto Hog Hollow
- A pedestrian friendly avenue should be created through Hogs Hollow which is lit
- Council should consider the Inspectorates refusal of planning permission
- Lack of play areas for children in the development
- In sufficient power for additional houses.
- Burton Latimer has already exceeded its housing supply as outlined in the CSS
- There is a bridleway through the site which will be permanently impacted if this site goes to housing
- The re-positioning of the bridleway will make accessing it more difficult and will remove a natural buffer between residents and the development.
- A pond hidden in trees would put children at risk

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 4 – Promoting sustainable transport

Policy 6 – Delivering a wide choice of quality homes

*Policy 7 – Requiring good design*

*Policy 8 – Promoting healthy communities*

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

*Policy 11 – Conserving and enhancing the natural environment*

### **Development Plan Policies**

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

*2 – Promoting Better Design*

*11 – Development in the Southern Sub-area*

*13b – Housing Provision (Northamptonshire)*

*14 – Regional Priorities for Affordable Housing*

*28 – Regional Priorities for Environmental and Green Infrastructure*

*31 - Priorities for the Management and Enhancement of the Regions Landscape*

*44 – Sub-area Transport Objectives*

*MKSM SRS Northamptonshire 1*

*MKSM SRS Northamptonshire 4*

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

*1 – Strengthening the Network of Settlements*

*5 – Green Infrastructure*

*6 – Infrastructure Delivery and Developer Contributions*

*7 – Delivering Housing*

*9 – Distribution and Location of Development*

*10 – Distribution of Housing*

*13 – General Sustainable Development Principles*

*14 – Energy Efficiency and Sustainable Construction*

*15 – Sustainable Housing Provision*

#### **Local Plan**

*7 – Open Countryside*

*35 – Housing: Within Towns*

*39 – Housing: Affordable Housing*

#### **Emerging Plans**

*Joint Core Strategy*

*Site Specific Proposal LDD*

#### **Supplementary Planning Documents**

*Open Space, September 2008*

*Sustainable Design, February 2009*

*Biodiversity SPD*

## **6.0 Financial/Resource Implications**

*Section 106 contributions have been requested for Highways including junction improvements, contributions to public transport and securing the requirements of the submitted residential travel plan, education contributions to primary and secondary*

education, open space contributions and management contributions, fire and rescue contributions and libraries, as well as securing affordable housing. The applicant has stated that the total contributions would render the site unviable and has agreed to an open book approach. Evidence has been submitted with regards to the financial viability of the scheme, which has been looked at by your Officers and the North Northamptonshire Development Company. It is noted from the financial appraisal that the costings as submitted are considered accurate for a development of this scale, taking into account the landform and that the operating profit on this project would be low. The applicants have demonstrated that the section 106 costs would exceed that of what is financially viable and therefore the evidence base for the requested section 106 payments has been reviewed and amended accordingly. It is important to note that the applicants intend to provide additional in excess of 30% affordable housing in accordance with policy 15 of the CSS and this has been taken into consideration when arriving at the required contributions.

The table below shows the originally requested s.106 amounts and the amended ask based on the viability information submitted, the evidence submitted for the s.106 requests and the reasonableness of the ask:

	<b>Original s.106 Ask</b>	<b>Amended s.106</b>
Affordable House	34 dwellings	34 dwellings (= 33% affordable)
Fire hydrants	1686.00	1686.00
Junction Improvement	40,000.00	40,000.00
Public Transport	£110,000.00	£90,000.00
Travel Plan	Travel Plan	Travel Plan
Fire and Rescue	10,304.00	No requirement
Library	20,728.00	No requirement
<b>Primary School</b>		
Affordable	24,752.00	24,752.00
Non Affordable	170,352.00	170,352.00
<b>Secondary</b>		
Affordable	7,620.00	7,620.00
Non Affordable	272,536.00	272,536.00
Open Space – indoor sports	123,670.00	60,430.00
Open Space 15years Maintenance	42,874.49	42,874.49
Primary Care Trust - NHS	£880.00 per dwelling (not affordable) = 68,640.00	No requirement
Monitoring Fee	10,000.00	2,000.00
<b>Total</b>	<b>903,162.49</b>	<b>712,250.49</b>

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Access, Highways and Parking

3. *Design, Character and Appearance*
4. *Impact on the Character of the Countryside*
5. *Neighbouring Amenity*
6. *Environmental Matters – Contamination and Noise*
7. *Flooding and Drainage*
8. *Biodiversity*
9. *Archaeology*
10. *Impact on Public Rights of Way*
11. *Crime and Disorder*
12. *Sustainable Design and Construction*

### 1. Principle of Development

*The CSS provides the spatial vision for North Northamptonshire and outlines the need to deliver quality housing and jobs alongside infrastructure, services and facilities. It aims to achieve greater self sufficiency for North Northamptonshire by directing development principally to the urban core which comprises the three Growth Towns of Corby, Kettering and Wellingborough. A secondary level of growth in Kettering Borough should be directed to the Market Towns of Burton Latimer, Rothwell and Desborough.*

*Policy 9 of the CSS states that priority will be given to the reuse of suitable previously developed land and buildings within urban areas, new development in the open countryside, outside the proposed Sustainable Urban Extension's (SUE's) will be strictly controlled. The application site is located outside the settlement boundary of Burton Latimer within open countryside as defined by saved policies 7 and 35 of the Local Plan for Kettering Borough. These policies state that planning permission for development will not be granted except where otherwise provided for in the plan. Furthermore, policy RA5 states that residential development will not be permitted in the open countryside unless it is for the purposes of agriculture or forestry; reuses or conserves a rural building; provides affordable housing to meet local needs in accordance with policy RA7; is a replacement of an existing dwelling; or is a gypsy site. This application does not accord with these policies.*

*Permission was sought for residential development on this site in 2009, the application was refused and appealed. Despite the appeal being dismissed the Inspector concluded that the designation of open countryside did not present an overriding factor where other material considerations indicate in favour of the development. There is therefore a policy presumption against development in open countryside but this must be weighed against other policy considerations as set out below. Based on the inspector's decision, a further application submitted in 2010, permitted residential development on this site, the application was for outline planning permission for 80 dwellings with all matters reserved except access which was considered through this application. This approval does indicate that in principle residential development in this location is acceptable.*

*Policy 10 of the CSS sets an indicative housing requirement for Burton Latimer of 700 dwellings from 2001-21. Policy 13b of the East Midlands Regional Plan states that housing numbers in excess of those stated in the regional plan should be tested by Local Authorities through their development plan documents. Although, housing permissions in Burton Latimer exceed the 700 dwellings as outlined in the CSS, the figures themselves are only indicative/minimum figures not total figures for development in towns. This matter was considered in some detail during the Public Inquiry for the 2009 application,*

*the Inspector concluded that there was no evidence to suggest an overprovision of dwellings would be detrimental to the town, its infrastructure or facilities. To the contrary, it was concluded that the range of services, facilities, public transport and other infrastructure serving the town were adequate to support the development subject to developer obligations being secured through a S106 obligation. Furthermore, there is no evidence to suggest that the proposed development would jeopardise the ability of the LPA to otherwise implement the spatial vision laid out within the CSS. There is no reason to believe that this situation has now changed and no infrastructure concerns have been raised by statutory consultees or service providers, despite the proposed increase in housing numbers.*

*The emerging Joint Core Strategy seeks to extend the plan period from 2021 to 2031 and proposes additional jobs and houses to be principally allocated in the Growth Towns and further secondary growth in Market Towns such as Burton Latimer, although exact figures for Burton Latimer has not been identified. The emerging Site Specific Proposals LDD – Options paper identifies a potential housing allocation of 573 houses to 2031, this figure is in addition to the 80 dwellings previously approved on this site.*

*Paragraph 49 of policy 6 of the Framework states that ‘housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable housing’. With respect of the 5 year housing land supply, the most recent Annual Monitoring Report 2010/2011 identifies that Kettering Borough Council has 4.13 years of deliverable sites available over the plan period of 2012 – 2017. Given that the Local Authority can not currently demonstrate a 5 year housing supply and that the site is in principle acceptable for housing as established by the previous approval, the application is accepted in principle subject the additional houses being considered sustainable in the context of all other policies.*

## 2. Access, Highways and Parking

*The application proposes two points of vehicular access to the site, one from Diana Way and another from the corner of Hawthorn Road and Hillcrest Avenue. This approach is considered acceptable in principle, as is the general design of the access points and circulation routes within the site. This is also the same access route as proposed in the earlier approval for this site.*

*The application is accompanied by an updated Transport Assessment (TA) received on 28.11.2012, which seeks to demonstrate that the development would not result in any adverse impact upon the highway network. A number of amended layouts have been submitted during the application process the Highways Authority is satisfied that the submitted amended layout reference RDC907\_110J received on 06.12.2012 provides for good access and circulation with good road widths and visibility. This layout will therefore be conditioned. A further condition will be applied to any subsequent approval to ensure all dwellings have 2.4m x 2.4m pedestrian visibility splays.*

*Subject to contributions to the junctions most affected by the development, as outlined in the updated TA, which are Station Road/Polwell Lane and Station Road/A509, and a contribution to public transport to put towards bus service improvements serving the western part of Burton Latimer and bus stop improvements, then the application is considered acceptable in this instance in accordance with policy 13 of the CSS. The*

s.106 contribution for public transport has been reduced to match that of the contribution secured in the s.106 for the previously approved scheme. It is considered that the improvements outlined in consultation response could be achieved on the basis of a contribution of £90,000.00 as previously secured and therefore although there is more dwellings proposed for the site there is insufficient justification to require the additional contribution. Despite the Transport Assessment indicating that only a limited number of additional bus passengers would be generated by the development, policy 13(e) of the CSS encourages a modal shift and the improvements to bus service provision and supporting residential Travel Plan, which includes a bus pass incentive, car share promotion and other proposals, required via s.106, will help to achieve this shift.

One area of concern, raised by the Highways Authority is how the bridleway will be neatly diverted, given that a section of it runs through the approved residential application site, KET/2012/0078 (David Wilson Homes site), to be surrounded by this development. This application intended to retain the footpath running across the north-eastern boundary of their site. It is considered that this could be dealt with by a simple diversion or stopping up order. The David Wilson site to which the Highways Authority refer has only outline planning permission for residential. Therefore, this presents an opportunity for them to have a secondary footpath link which runs north/south though their site connecting to the proposed footpath from Diana Way, which is actually an improvement on the current situation as you cannot get access from Diana Way to the existing footpath at this point. Also, this will provide access to the open space as proposed by this application.

### 3. Design, Character and Appearance

The layout of the application site has been designed to include three distinct character areas. These include, 'the Mews' located at the centre of the site and at the entrance to the site off Hawthorn Road and Hillcrest Avenue. This area includes the central courtyard style development and semi detached properties fronting onto Hawthorn Road. Here is a large proportion of the affordable housing. 'The Avenue' leads off Diana way around the edge of the application site, largely comprising of detached and semi detached properties often with garages looking out over open countryside. 'The Street' comprises of a row of primarily terrace properties, abutting the street to the north of the application site with parking to the front or side of properties, these are smaller plots with some affordable housing.

The proposal varies in character across the site, dense development is concentrated to the centre of the site with the larger properties and plots surrounding the edges of the site looking towards open countryside. Diana Way is characterised by detached properties and small rows of terrace properties abutting the site. Many of the properties are constructed of a similar yellow brick with upvc windows and doors and off-street car parking. Off Hawthorn Road, properties are primarily wide semi-detached properties, set back from the public highway with large frontages, as you move round Hillcrest, the properties are semi detached similar to the character of Hawthorn Road on the northern side but there are three detached properties leading into the application site on the southern side.

Properties to the eastern boundary of the site adjacent to Hawthorn Road have been set back to replicate the distance similar to the properties opposite, plots 36 and 37 have been set back to give a green open frontage as you enter the site and to help the transition between the detached properties off Hillcrest and the application site. The

*application site is on a significantly lower ground level than the surrounding streets, especially Diana Way, which will help the transition between these properties and the application site. At the entrance to the site off Diana Way the properties have been designed to reflect those off this part of Diana Way.*

*The application includes three small areas of public open space/greenspace which help to alleviate the otherwise dense character of the site. Directly abutting the western boundary of the site is a large wooded area, Hogs Hole, which will be directly accessible from the application site. This accessibility (although restricted by boundary treatment to prevent any unnecessary impacts on local wildlife) will be an improvement to the existing situation to the benefit of local people.*

*The proposal is therefore designed to be in character with the surrounding development at the entrances to the site, within the site development is more dense and injects a new character to the area with courtyard development. Due to the location of this development in the centre of the site it will not be visible from the surrounding streets and only from within the site. For these reasons the proposal is considered to have an acceptable impact on the character of the area in accordance with policy 6 and 7 of the Framework, policy 2 of the EMRP and policy 13 of the CSS.*

#### 4. Impact on the Character of the Countryside

*The site falls within the 'Central Northamptonshire Plateaux and Valleys' area defined by the Northamptonshire Environmental Character Assessment. This document offers an evaluation of the differing landscape characteristics across the county and suggests that the area in question is likely to be sparsely settled, retaining a remote, vacant character with wide views over the surrounding landscape. Furthermore, it is noted that pasture on steeper land and surrounding villages represents an important contrast to the prevailing arable character. The site is considered to accord with this character description, although the site is largely overgrown and poorly managed. The site currently presents a distinct open and rural character enjoyed by members of the public for recreation with a public bridleway which runs along the northern boundary of the site allowing access and pleasing views across the open countryside and several unofficial, informal footpaths across the site.*

*Despite the location of the site in open countryside and the site being visible from many vantage points, given its topography the Inspector in relation to the previous appeal concluded that the site did not exhibit any special landscape quality or character and that the harm identified would not result in such adverse impact as to outweigh the need to provide a deliverable 5 year supply of housing in accordance with the Government's growth agenda. In addition, the proposal includes accessible open space and improved access to the neighbouring woodland for local people. Given the previous approval on this site where the open countryside designation was not considered to be an over-riding factor, the proposal is therefore considered acceptable despite its potential impact on the character of the open countryside.*

#### 5. Neighbouring Amenity

*The site adjoins residential development along its north and eastern boundary. The provision of housing on this site will increase traffic movements and activity, the land use is compatible with the surrounding properties and the impact of these additional movements would not result in such detriment as would warrant refusal of the application.*

*The proposed plots closest to the boundaries of the application site are 1, 101, 110 and 55. As the site is on a much lower ground level than the surrounding development, especially that off Diana Way, then the impact on the amenity of properties off Diana Way is significantly reduced. Also, plots 53-55 have been set away from the boundary and situated at an angle to ensure that they do not overlook the rear garden and elevation of number 31 Diana Way. Although plot 110 is set adjacent to the boundary of the site, with neighbouring properties, it is approximately 10m from the rear elevation of properties to the north, it is proposed to be a bungalow with a maximum ridge height of 6 meters and due to the difference in ground levels, only the roof is likely to be visible. Boundary treatment and finished floor levels will be conditioned to ensure any impact is minimal. Plot 101 is set in line with number 24 Diana Way, although on a significantly lower ground level. Plot 1 is slightly set forward of 20 Diana Way, however, due to the distance between the properties (approximately 11m) and difference in ground levels the impact is not considered significant in this instance. Properties off Hawthorn Road are located at a sufficient distance from those proposed (over 20m) and are facing each other. As previously stated, plot 37 has been set back slightly from the front elevation of 29 Hillcrest Avenue and is located approximately 9m away, the proposal is therefore considered to have an acceptable impact on the amenity of neighbours in accordance with CSS policy 13.*

*Although the site is dense, the properties within the application site are well spaced with the majority having in excess of 8m rear gardens, properties have been positioned to give good back to back distances and properties largely front the highway sitting side by side so as not to overshadow or unduly over look proposed neighbouring properties. There is a good mix of houses, house types, flats and a bungalow, which will help to meet an identified need for affordable housing in Burton Latimer. The affordable housing proposed has been designed to match that of the rest of the scheme and consists of 34 dwellings, 14 shared ownership and 20 affordable rent, this equates to a 33% delivery of affordable houses, policy 15 of the CSS only requires 30%. The proposal is therefore considered acceptable in this instance.*

#### 6. Environmental Matters – Contamination and Noise

*The underlying geology across Northamptonshire commonly presents unacceptable levels of naturally occurring arsenic, vanadium and chromium which can present a risk to human life. Conditions requiring a contaminated land assessment will be applied to any subsequent approval.*

*A Noise Assessment has been submitted, a condition requiring dwellings to be constructed to reduce noise in accordance with British standards and future monitoring. Also, a Construction Management Plan is required to protect neighbouring amenity from construction.*

*The proposal is therefore considered in accordance with policy 11 of the Framework and policy 13 of the CSS with regards to contaminated land and noise.*

#### 7. Flooding and Drainage

*The applicant has submitted an updated Flood Risk Assessment (FRA) and the Environment Agency (EA) are now satisfied that the development would not present an undue risk of flooding, nor would it cause flooding elsewhere. A scheme for surface water*



*drainage and for foul water drainage on and off site will be required by condition to ensure that the proposed development does not present an unacceptable risk to flooding in accordance with policy 10 of the Framework and policy 13 of the CSS. Neighbouring properties to the application site have notified that Council and EA of high water levels on the site and photographs which have also been sent to the EA, subject to the measures outlined in the FRA and a suitable surface and foul water drainage strategy the EA maintain that the proposal is acceptable in terms of Flood Risk. The proposal is therefore considered in accordance with policy 10 of the Framework and policy 13 of the CSS.*

#### 8. Biodiversity

*Submitted with the application is an Extended Phase 1 Habitat Survey, a Woodland Management and Enhancement Plan and Reptile Survey which assess the potential for adverse impact on wildlife and biodiversity.*

*The Wildlife Trust recommends that the ecology recommendations as outlined in section 6 of the Extended Phase 1 Habitat Survey and the recommendations contained within the Woodland Management Plan should be condition to ensure biodiversity retention, protection and future measures are implemented on the ground.*

*With regards to Reptiles, the additional information in the form of the "Reptile Survey", dated October 2012, as produced by the consultants Middlemarch Environmental Ltd, is considered acceptable by the Wildlife Trust, provided that all the consultant's own findings and conclusions in respect of Reptiles and the ecologist's own recommendations, as made within the relevant parts of their report are conditioned to mitigate the potential impacts on reptiles and enhancements are made to the environment, especially those outlined in section 6 of said report.*

*The Wildlife Trust are concerned that the proposed buffer between the woodland and the proposed residential properties on the western boundary of the site is insufficient to protect the woodland, which is a Local Wildlife Site from the pressures from new public footfall, domestic pets, dumping, and other undesirable activities and avoid things such as compost heaps made of grass clippings, rubble piles and general fly tipping which has been noted within the site currently. The conditioned plan ORB 18126 10 A shows an 8 metre buffer with native tree and shrub planting to strengthen the woodland hedge and increase biodiversity. The applicant has submitted sufficient information to demonstrate that the proposal is sound in terms of separating the trees from the new dwellings and the dwellings won't have a physical impact on the roots. Currently the woodland is not managed, despite its status. The proposed development will release funds to enable the woodland to be improved along with measures to increase biodiversity. The accumulated rubbish and grass clippings will be removed leaving it in a better state than it is currently and direct access to the woodland will be limited by boundary treatment which has been conditioned and formalised footpaths through the woodland, as opposed to the informal use which is currently experienced.*

*Given that the site has consent for residential development, although a lower density scheme may allow a greater buffer to be achieved from the rear gardens of properties to the woodland, the same level of usage is likely to result from use of a new public footpath, which would be a requirement of any residential development on this site to improve accessibility; also the impact from domestic pets and dumping is likely to be similar. On balance, it is considered that subject to boundary treatment and the securing of an on-*

going maintenance sum for managing the woodland via s.106 then the proposal is considered acceptable in this instance in accordance with policy 11 of the Framework and policy 13 of the CSS.

The site falls within the Ise Valley Green Infrastructure corridor as covered by policy 5 of the CSS, which seeks a net gain in green infrastructure, policy 5 states that sub-regional GI corridors such as this will connect locations of natural greenspace for biodiversity or other environmental interest. Development should not be permitted that comprises the integrity of GI and improves the quality and robustness and invests in enhancement and restoration where necessary. The applicants have submitted a plan demonstrating their proposed landscape strategy for this area. The plan demonstrates GI connections through and beyond the proposed new development. The proposal will actually improve on existing connections and management of them and the woodland to a better standard than existing. The Wildlife Trust are supportive of the approach as outlined on the Landscape Strategy Plan as submitted reference ORB 18126 10 A. This plan will be conditioned to ensure improvements to GI.

The Wildlife Trust have requested a Construction Ecological Management Plan (CEMP), to set out the detail of the appropriate conservation management of both the existing and the new habitat areas for biodiversity objectives in perpetuity, it is felt this can be dealt with via a condition to be placed on any subsequent approval.

The Wildlife Trust also refers to the cumulative impacts of development on biodiversity. It is important to note that this site already has planning permission and therefore it would be necessary in terms of cumulative impact to only consider the additional dwellings proposed. Given the number of dwellings previously permitted for this site it is not considered that the additional dwellings would give significant rise to impact on local biodiversity to warrant refusal of this application in accordance with policy 11 of the Framework and 13 of the CSS.

#### 9. Archaeology

Archaeological evaluation including trial trenching and a geophysical survey was undertaken in March and April 2010 and a report 'Archaeology Assessment and Evaluation' accompanies the application. The evidence indicates that despite the presence of late Iron Age and Roman activity to the northern boundary of the site, the activity does not extend into the development area. It is therefore unlikely that the development will have significant impacts on important archaeological deposits and no further investigation or works are therefore required in this regard. The proposal is therefore considered in accordance with policy 12 of the Framework and policy 13 of the CSS.

#### 10. Impact on Public Rights of Way

Public bridleway UA12 runs across the northern boundary of the site and as discussed above it will be diverted to run through the site rather than running across the backs of properties behind rear gardens, surrounded by fencing. The diversion of the footpath was agreed following a response from the Police which highlighted the security issues with having private access to rear gardens, as well as this the environment for walking can be compromised, especially at night if there is no surveillance or lighting. It is considered that by diverting the footpath through the site, this will maintain access for local people, provide surveillance and some lighting as well as give access to open space within the

site and the woodland adjacent, provided the boundary treatment at the rear of properties backing onto the woodland is conditioned to limit any impact on the woodlands biodiversity. Subject to the proposed conditions, the proposal is therefore considered to be appropriate with regards to the proposed footpath in accordance with policy 13 of the CSS.

#### 11. Crime and Disorder

Northamptonshire Police have raised no formal objection subject to conditions requiring the private drive fronting plots 1-3 should have a 1.2m high metal railing or similar to prevent casual access and all gates to the rear of dwellings should be lockable. The communal gates should be of 'hit and miss' type and the unadoptable communal areas should have low level lighting. Subject to conditions the proposal is therefore considered in accordance with policy 13 of the CSS.

#### 12. Sustainable Design and Construction

Policy 14 of the Core Spatial Strategy requires that development meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. Schemes should demonstrate techniques of sustainable construction and energy efficiency, provision for waste recycling/reduction and provision for water efficiency and water recycling. Policy 14 and the Sustainable Design SPD strive to achieve standards above the statutory minimum required by the Building Regulations and 10% of the demand for energy through renewable or low carbon sources. The applicant has submitted an Energy Statement and Sustainability Assessment. Within the Energy Statement, the applicant suggests a number of options for achieving energy efficiency and a reduction in carbon emissions. However, a condition is required to define what measures are actually going to be used in the final scheme. Subject to this condition the proposal is considered in compliance with policy 14 of the CSS.

### Conclusion

Subject to the signing of a s.106 agreement and to the conditions as outlined above, the proposal is considered to be acceptable recognising the recent outline approval for 80 dwellings. Policy 6 of the NPPF, policy 11 and 13b of the EMRP and policy 1, 9 and 10 of the CSS encourage sustainable growth in suitable locations which offer a range of services and facilities, being a secondary focus for growth, Burton Latimer, as outlined in the 2009 appeal would meet this criteria and given that the Council can not demonstrate a 5 year housing land supply and the recent approval of planning permission, this would outweigh policies restricting development in the open countryside (1, 9 and 10 of the CSS and 7 and 35 of the Local Plan for Kettering Borough), in this instance. The proposal is further considered in accordance with Policies 4, 7, 8, 10 and 11 of the Framework, policies 2, 14 and 44 of the EMRP, policies 5, 6, 7, 13, 14 and 15 of the CSS and policy 39 of the Local Plan for Kettering Borough.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Rebecca Collins, Senior Development Officer on 01536  
534316

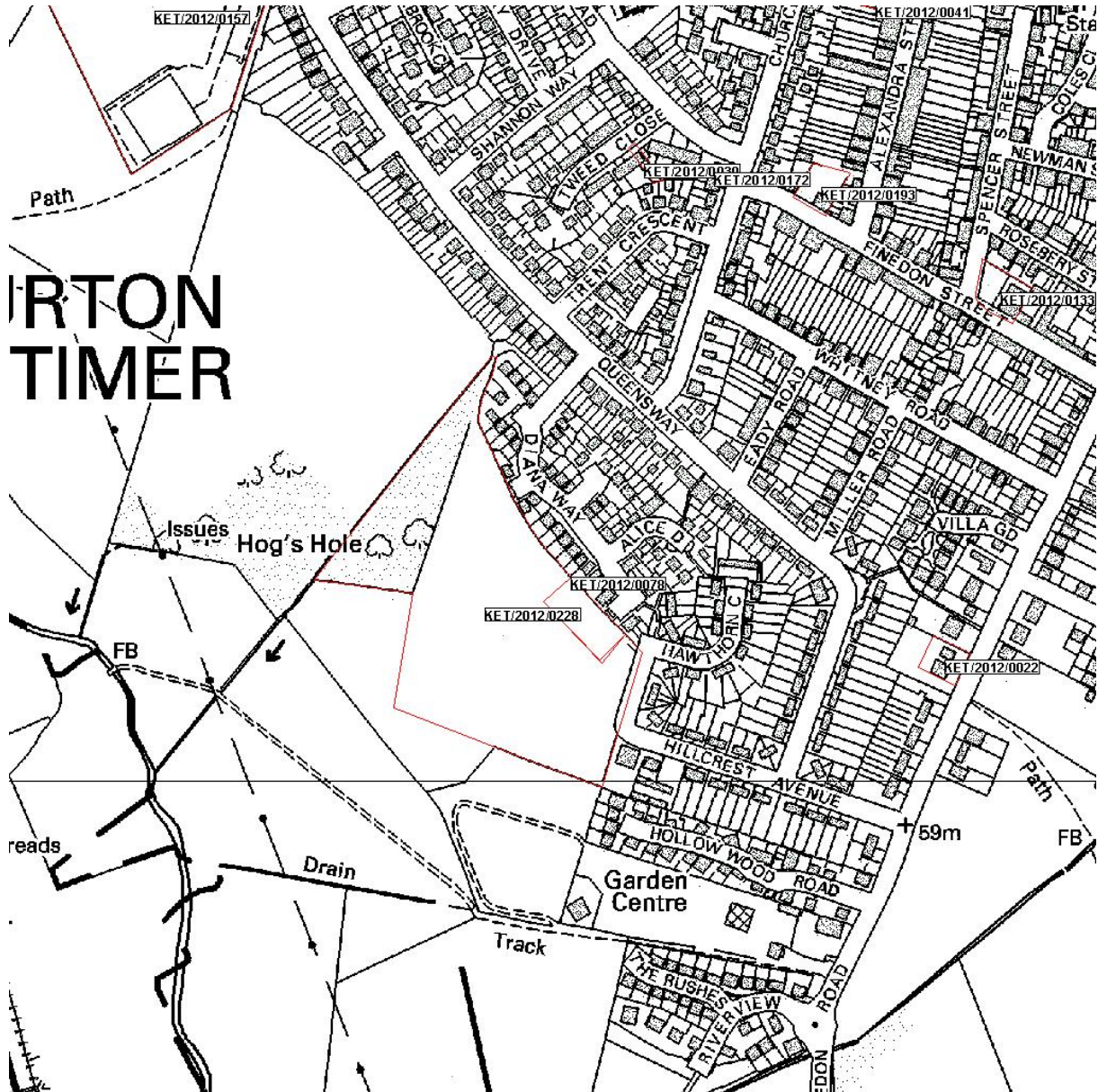
#### **Previous Reports/Minutes**

Ref:

Date:

# SITE LOCATION PLAN

Diana Way (land off), Burton Latimer  
Application No.: KET/2012/0228



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

LA078344

Date: 02/04/2012 Do not scale from this map. For illustrative purposes only.

