

BOROUGH OF KETTERING

Committee	Full Planning Committee - 12/02/2013	Item No: 5.4
Report Originator	Susan Garbutt Senior Development Officer	Application No: KET/2012/0709
Wards Affected	Slade	
Location	Cransley Hill (land at), Broughton	
Proposal	Outline Application: Residential development up to 65 no. dwellings	
Applicant	Redrow Homes South Midlands	

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 signed on or before 11th April 2013 else Refuse, and to the following conditions:-

1. Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout and scale of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order to secure a satisfactory development

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

5. The development hereby permitted shall be limited to no more than 65 dwellings.

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

6. The dwellings hereby permitted shall be a maximum of two storeys in height.

REASON: To ensure the development respects the character of the location in accordance with policy 13 parts H, I and O of the North Northamptonshire Core Spatial Strategy.

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

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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

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

9. 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.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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.

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 in accordance with paragraphs 109 and 120-121 of the National Planning Policy Framework and policy 13(L) of the North Northamptonshire Core Spatial Strategy.

10. No development shall commence on site unless and until a scheme for the control of noise has been submitted to and approved in writing by the Local Planning Authority. The development shall not be constructed other than in accordance with the approved scheme.

REASON: In the interest of residential amenity in accordance with policy 11 of the National Planning Policy Framework and policy 13(L) of the North Northamptonshire Core Spatial Strategy.

11. All hedgerows on the site shall be retained, with the exception of any widening of existing gaps in the Cox's Lane hedgerow to create the site access.

REASON: To conserve and enhance the natural environment in the interests of biodiversity, protect historic landscape features and preserve the character of the area in accordance with policy 11 of the National Planning Policy Framework and policies 5 and 13 (H, I and O) of the North Northamptonshire Core Spatial Strategy.

12. Before commencement of any part of the approved development a plan indicating the position and specification of protective measures to existing trees and hedges shall be submitted to and approved in writing by the Local Planning Authority. The approved measures will be implemented prior to development and retained until the completion of the development. Any land so enclosed shall be kept clear of all materials, machinery and temporary buildings at all times. The plan must also indicate the proposed route of all underground services and measures to be taken to ensure that root damage is avoided.

REASON: To ensure that the existing trees and hedges are retained and are not damaged during the period of construction and in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

13. All the existing trees on site shall be retained, with the exception of T13, in accordance with 'Tree Retention and Removals Plan' 5026-A-03 within the Arboricultural Assessment dated September 2012 and received by the Local Planning Authority 2 November 2012.

REASON: To retain the character of the area and in the interests of biodiversity in accordance with policies 5 and 13 part H, I and O of the North Northamptonshire Core Spatial Strategy.

14. Prior to commencement of the development hereby approved an Ecological Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the recommendations in paragraphs 4.10-4.13, 4.20-4.21, 4.28-4.29 and 4.33-4.36 of the Ecological Appraisal (FPCR September 2012) received by the Local Planning Authority on 2 November 2012. The Plan shall include details of the retention and enhancement of all existing hedgerows on the site. The development shall not be carried out other than in accordance with the approved Ecological Management Plan.

REASON: To conserve and enhance the natural environment in the interests of biodiversity in accordance with policy 11 of the National Planning Policy Framework, policies 26, 28 and 29 of the East Midlands Regional Plan and policies 5 and 13 (O) of the North Northamptonshire Core Spatial Strategy.

15. All new dwellings hereby permitted shall be capable of being adapted to meet the needs of all people in line with the Lifetime Homes standard.

REASON: To ensure sustainable housing provision in accordance with policy 15 of the North Northamptonshire Core Spatial Strategy.

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

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

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

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

18. Development shall not begin until a scheme for the provision, implementation and maintenance of the surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological

context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall also include: The detailed design of the surface water system including calculations, long sections and cross sections with levels to ordinance datum. Manufacturers discharge curve for vortex flow control and cross section must be submitted. Information of the maintenance and/or adoption proposals for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of surface water drainage in accordance with policy 10 of the National Planning Policy Framework, policies 32 and 35 of the East Midlands Regional Plan and policy 13(Q) of the North Northamptonshire Core Spatial Strategy.

19. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building 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 National Planning Policy Framework, policies 32 and 35 of the East Midlands Regional Plan and policy 13(Q) of the North Northamptonshire Core Spatial Strategy.

20. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenity of occupants of neighbouring properties, the character of the area and in the interests of highways safety on the A43 in accordance with policy 13 parts H, I, L and N of the North Northamptonshire Core Spatial Strategy.

21. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling, provision for water efficiency and recycling and demonstrate that at least 10% of the demand for energy will be met on site and renewable and/or from a decentralised renewable or low-carbon energy supply, shall 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 energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

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

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

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

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

23. Prior to commencement of the development hereby permitted full details of the off site highways works shall be submitted to and approved in writing by the Local Planning Authority.

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

Notes (if any) :-

- Noise measurement and calculation.

It should be noted that the Local Authority, in considering compliance with noise impact conditions relating to BS8233:1999 standards consider the good standard for noise insulation, and include L_{Amax} values for night-time sleep disturbance PPG 24, BS 4142, BS 8233 and the World Health Organisation Guidelines all give values and design ranges for the measurement of noise. It is very unlikely that anyone other than an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives contact details of acoustic consultants - www.ioa.org.uk.

A representative assessment will be required to take any tonal values, impact noise, number and volume of individual events, weather conditions etc. into account. Shortened measurement periods may be acceptable provided they are

agreed in advance. The assessment must cover the noisiest and quietest periods, taking into account the character of the area. Account should be taken of shift patterns in commerce and industry and any entertainment noise.

Specific information individual to each site must be recorded, in particular where there are isolated events (Single event levels) that would not be represented in an equivalent measurement (Leq) taken over a longer period. e.g. freight train impact noise.

Information required :

" Daytime LAeq [07.00 to 23.00] at representative points around the site or at various facades

" Night time LAeq [23.00 to 07.00] at representative points around the site or at various facades

" LAMAX values for the night time period

" SELs for regular short events

Upon obtaining the appropriate external noise level data for a particular site and taking into account the internal noise standards required, a suitable noise insulation scheme should be stated.

- Glazing in residential property: In some cases standard thermal double glazing units will provide sufficient attenuation, other cases will need a thicker unit with specialist glass. If low frequency noise is an issue secondary units in conjunction with single or double glazed units may be required.

Ventilation: Both trickle and rapid ventilation will need to be considered, this may vary from standard trickle vents to fully mechanical powered ventilation. The ventilation must not compromise the attenuation provided by the glazing.

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

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

The noise scheme must achieve the internal noise levels set out below and include any transportation, industrial, commercial and entertainment noise. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals. Internal Noise criteria for residential Bedrooms night time (23:00 to 07:00) 30 dB LAeq Noise not to exceed NR25 in any octave band Individual noise events should not exceed 45dB LAMAX (BS 8233. 1999) Living Rooms day time (07:00 to 23:00) 40 dB LAeq Gardens and terraces (daytime) * 55dB LAeq *Not in town centre or near main roads

All approved works shall be carried out to British Standard 5837: 2005 "Trees in relation to construction - Recommendations" as a minimum standard.

Surface Water Drainage:

Whilst we agree with the volume of storage required on site is achievable, following points relating to the initial drainage calculations need to be addressed at the detailed design stage.

The FRA states that the impermeable area will be 1.18Ha but however the contributing area within the calculations does not match this value.

The calculations show an additional flow in the Network Design Table. Please advise where this additional flow has come from. We are aware that this was shown in the original calculations; however they were difficult to read as they were scanned in.

The depth/flow relationship manhole: s13, DS/PN: s1.011 has a constant flow for each depth. As the pond will have a flow control structure and a spill weir, this value will not be a consistent

Main foul sewage infrastructure:

In order to satisfy the main foul sewage infrastructure condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development.

No works may commence within the existing highway without the express written permission of the Local Highway Authority. This planning permission does not give or infer such consent. However such consent may be forthcoming subject to the completion of an appropriate licence or agreement under the Highways Act 1980. Any works within the highway shall comply with the Local Highway Authority's standards and specifications.

The implementation of off site highway works or any works that may affect the existing highway requires the explicit written permission of the Local Highway Authority and/or the Highways Agency. Such permission would be issued subject to the completion of an agreement under section 278 of the Highways Act 1980 (as amended) and any subsidiary agreement under either Section 4 or Section 6 of the Highways Act 1980, as determined by the

Local Highway Authority. Full engineering, drainage and other related construction details would need to be submitted for the approval of the Local Highway Authority. The details would be subject to a full technical and safety audits which may result in changes or amendments to the details shown as indicative on the approved planning details.

The applicant is advised to gain the full technical approval of the local highways authority and Highways Agency prior to the submission of such approved details to the local planning authority to facilitate the discharge of the associated planning conditions. Failure to do so will delay the discharge of conditions.

The applicant is reminded that their proposals rely upon Traffic Regulation Orders which are subject to consultations outside the planning system. The results of the consultations should not be assumed. The determining authority for such Orders is Northamptonshire County Council.

Justification for Granting Planning Permission

The proposal is in accordance with Policies 4, 7, 8, 10 and 11 of the National Planning Policy Framework, Policies 26, 28, 29, 31, 32, 35, 38, 39, 44 and 45 of The East Midlands Regional Plan and Policies 4, 5, 6, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy. The proposal conflicts with local policies as set out in Policies 11, 15 and MKSM SRS Northamptonshire 1 of the East Midlands Regional Plan, Policies 1, 7, 9 and 10 of the North Northamptonshire Core Spatial Strategy and Policies RA/3 and RA/5 of the Local Plan for Kettering Borough. However, paragraph 17 and policy 6 of the National Planning Policy Framework are material considerations and are sufficient to indicate in favour of the proposal and to outweigh the policies referred to above. Emerging policy in the Site Specific Proposals LDD and the Joint Core Strategy has been given little weight.

Officers Report

3.0 Information

Relevant Planning History

KET/2012/0703 64 no. dwellings, associated roads and open space PENDING
KET/2012/0574 Screening Opinion: Residential development, NOT EIA
DEVELOPMENT

Site Description

Officer's site inspection was carried out on 16 November 2012.

The site is a greenfield site located on the edge of Broughton village outside of but adjacent to the defined village boundary. The site is bounded to the south-east by Cox's Lane (an unclassified road), to the west by Cransley Hill (a C road), to the north-west by the A43 and to the east by dwellings, namely Cransley Grange, numbers 1, 2 and 3 Crane Close, and an open field. There are hedgerows abutting Cox's Lane and Cransley Hill.

The boundary with the A43 is marked by a hedgerow and a ditch on the road side.

The boundaries to the east are marked by a mixture of post and rail fencing and hedgerow. The site is currently in arable use, and also contains several mature trees. The site slopes down gently from south to north from Cox's Lane towards the A43. There are two existing access points to the site, a field gate from Cransley Hill and a field gate from the A43. There is a public footpath crossing the site south-east to north-west, which runs from Crane Close to the A43.

Proposed Development

The application seeks outline planning permission (all matters reserved) for up to 65 dwellings (46 market and 19 affordable) plus garages and a sub-station on a site of 3.5 hectares.

The application was originally submitted with access to be determined at outline stage. This has been withdrawn and all matters are now reserved, please see below for further details.

Any Constraints Affecting the Site

Public Footpath GD/015

C Road

Local green infrastructure corridor (Sywell Reservoir to Broughton).

TPO NCC 137

4.0 Consultation and Customer Impact

County Highway Authority (5/12/12)

No objection in principle subject to off site highway works, two bus vouchers should be provided per household on occupation and the erection of two replacement bus shelters on either Kettering Road or High Street.

Highways Agency (23/11/12 and 18/1/13)

No objections, the proposed development is not expected to have a material impact on the closest strategic route, the A43.

NCC Archaeology (5/12/12)

The proposed development area has been quarried and therefore the site will have no significant archaeological activity.

No further comments (1/2/13).

NCC Key Services (23/11/12)

Education contributions required for Primary, Secondary and Sixth form places (on a dwelling size basis). Contribution towards fire and rescue infrastructure costs £5,980.00 (£92 per household). Suggest a planning condition to secure fire hydrants in the development. Library contribution based on the size of dwellings.

NCC Waste (26/11/12)

Prior to any development taking place, the applicant should demonstrate how it meets policies CS7 and CS8 of the North Northamptonshire Minerals and Waste Development Framework.

Northamptonshire Police (3/12/12)

No formal objection. Detailed comments on the layout which can be dealt with at reserved matters stage. The development should conform to the principles of Secured by Design as far as possible.

KBC Community Services (3/12/12 and 18/1/13)

On site provision is required for amenity green space (a requirement of 0.12 hectares), and a contribution of £87,154 is secured for off-site community infrastructure (£5,773 towards Broughton Pocket Park, £3,748 towards High Street recreation ground, £16,242 towards Gate Lane recreation ground, £8,672 towards the village hall, and £52,719 towards indoor sports provision. On site open space of 1.4ha with 12 months management then transfer to the Council with a 15 year maintenance contribution.

KBC Housing Strategy

No objection, subject to securing 30% affordable housing (70% social/affordable rent, 30% intermediate housing as 95% rent is unlikely to be viable) and local letting policy on first lets and the KBC allocations scheme. The reserved matters application will need to reflect the most up to date assessment of needs and have regard to local income levels and affordability. Bungalows should be 1 or 3 bed and fully wheelchair accessible.

Environment Agency (1/2/13)

A revised FRA was requested following comments received 10/12/12.

No objection, subject to conditions regarding main foul sewage infrastructure and surface water drainage.

Wildlife Trust (12/12/12 and 24/1/13)

No objection. We recommend the consultant's recommendations, especially those relating to the need for mitigation measures. The Trust recommends the need for an Ecological Management Plan, and a condition regarding reptiles (para 4.36 page 16 of the report). Landscaped areas should include native species only and managed for the benefit of wildlife. A net gain in biodiversity should be secured. The site is within a Local Green Infrastructure corridor. In reference to the layout/access, it would be better from an ecological point of view to retain the Cox's Lane hedgerow (gap it up, thicken it, enhance it and plant a parallel native species hedge) and manage it for the benefit of biodiversity.

Natural England (12/12/12 and 31/1/13)

No objection. Refers to their Standing Advice of Feb 11. The standing advice advises that the LPA accept the survey findings and consider requesting biodiversity enhancements for bats and great crested newts. Refer to NPPF regarding BAP priority habitats (hedgerow).

Environmental Health (16/11/12)

No objection. Full contaminated land condition required. Noise condition required to protect residences from noise.

Broughton Parish Council (7/12/12)

Objection on the grounds of: 1. The site is outside the village boundary, 2. The site is only category 2 in the recent Masterplanning Report, 3. Rural centres should not be expected to make significant inroads into housing shortfalls, 4. The proposal is premature, if the village boundary is to be changed this should be through the Site Specific options and the Joint Core Strategy, 5. Development on agricultural land should depend upon some proven functional justification, 6. The site has visual and heritage value to the village and is within the 'loose' boundary of the proposed conservation area, 7. The Parish Plan shows support for infill development only, 8. There are other sites which could provide more dispersed growth, 9. The scheme will have little impact in addressing locally referenced housing shortfall, 10. Cox's Lane is a rural lane and its character would be harmfully changed, 11. Cransley Hill and Cox's Lane already struggle to service existing traffic levels, 12. Cransley Hill suffers congestion due to no off road parking, 13. New housing will exacerbate congestion the TA is incorrect, 14. The proposed improvements to Cransley Hill/High Street junction can only worsen the existing difficulties with congestion and accidents, 15. The traffic survey results are not credible and are inaccurate, 16. Any permission would increase pressure for development on land to the north-east, 17. A planning obligation should require 'pepper-potting' of social housing to promote cohesiveness, 18. Additional play facilities is not thought necessary and facilities at the High Street recreation ground should be improved, 19. The parish council would prefer to see other methods for surface water run-off rather than grass swales as the maintenance is costly, 20. Construction should not affect Cox's Lane and should not conflict with school hours and contractors vehicles should be located solely within the site to minimise impact on existing residents.

Neighbours

A total of 67 comments have been received to date. 2 letters provided comments, and 65 were objections. The objections were on the grounds of:

The site

- CSS policy 1 and 9, Local Plan 7, RA/3 and RA/5 strictly control development in the open countryside
- The site is greenfield and good farmland
- Alternative sites in the village
- View from Cransley Hill and Cox's Lane across the valley will be lost

Infrastructure

- Will stretch existing village amenities
- Sewerage and electricity are at capacity
- There is already a problem with water pressure
- Need more school places
- The village does not have a Doctors, Dentist or Chemist
- The Hospital is already struggling to cope

Housing need

- No current housing need survey for the village

Highways

- Traffic congestion, especially at school times and speeding
- Cransley Hill, Cox's Lane and Silver Street are narrow and have parked cars
- Junctions with the A43 busy
- Existing parking problems (e.g. near Co-op and on Cransley Hill)
- Site access should be from Grange Road or the A43
- Concern over junctions - Cox's Lane, High Street, Kettering Road and Gate Lane
- Object to a raised mini roundabout at the Cransley Hill/High St junction as it removes road side parking spaces
- The transport assessment is flawed
- West Street, Drydene Terrace and Silver Street are rat runs to the school
- Cox's Lane is unsuitable for construction traffic
- Bus service is inadequate (NPPF policy 95)
- Footpaths are unlit and the cycle path on the A43 is on the northbound side so users need to cross the A43

Design of the scheme

- A play area close to the A43 is ridiculous
- Height, bulk and position of buildings
- Density too great
- Parking limited, possibility of on-road parking
- The character of Gate Lane, a quiet country lane, would be ruined

Noise

- Noise from the A43
- Disruption from construction traffic
- The noise survey states 'the site is not ideal for residential development'

Other

- House prices will fall

Biodiversity

- Our declining birds and wildlife will be massively affected

Timing

- The determination of the application should be delayed for the adoption of the Local Development Options and the Broughton Conservation Area

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

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

Policy 11. Conserving and enhancing the natural environment

Annex 1

Development Plan Policies

East Midlands Regional Plan

Policy 11. Development in the Southern Sub-area

Policy 15. Regional Priorities for Affordable Housing in Rural Areas

Policy 26. Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 28. Regional Priorities for Environmental and Green Infrastructure

Policy 29. Priorities for Enhancing the Region's Biodiversity

Policy 31. Priorities for the Management and Enhancement of the Region's Landscape

Policy 32. A Regional Approach to Water Resources and Water Quality

Policy 35. A Regional Approach to Managing Flood Risk

Policy 38. Regional Priorities for Waste Management

Policy 39. Regional Priorities for Energy Reduction and Efficiency

Policy 44. Sub-area Transport Objectives

Policy 45. Regional Approach to Traffic Growth Reduction

MKSM SRS Northamptonshire 1

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 4. Enhancing Local Connections

Policy 5. Green Infrastructure

Policy 6. Infrastructure Delivery and Developer Contributions

Policy 7. Delivering Housing

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14. Energy Efficiency and Sustainable Construction

Policy 15. Sustainable Housing Provision

Local Plan

RA3. Rural Area: Restricted Infill Villages

RA5. Rural Area: Housing in the Open Countryside

Emerging Site Specific Proposals LDD (Options Paper Consultation March 2012)

Section 13.5 – growth scale options, development principles, village boundary

Emerging Core Spatial Strategy DPD (emerging draft for consultation August 2012)

10 Network of urban and rural areas

28 Housing requirements and strategic opportunities

SPD

Open Space SPD

Sustainable Design SPD

Development and Implementation Principles SPD

Biodiversity SPD

Other Guidance

Planning Obligations Framework and Guidance 2011 (Northamptonshire County Council)

6.0 Financial/Resource Implications

Draft heads of terms for the Section 106 Obligation:

- 30% affordable housing
- Library contribution (final amount dependent upon housing mix)
- Fire and rescue contribution £92 per household
- Education contribution for Primary, Secondary and Sixth form places
- On site open space of 1.4ha with 12 months management then transfer to the Council with a 15 year maintenance contribution
- £87,154 is secured for off-site community infrastructure (£5,773 towards Broughton Pocket Park, £3,748 towards High Street recreation ground, £16,242 towards Gate Lane recreation ground, £8,672 towards the village hall, and £52,719 towards indoor sports provision)
- Financial contribution towards off site highway improvement at Cransley Hill/High Street junction
- LHA require bus vouchers for all new households upon occupation and
- two replacement bus shelters on either Kettering Road or High Street.
- 5% monitoring fee

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. The Reserved Matters of Access, Layout, Scale, Appearance and Landscaping
3. Walking and Cycling inc. Public Footpath

4. Housing Mix
5. Environmental Matters (Noise, Contaminated Land)
6. Amenity impact (Visual Impact and Lighting)
7. Waste
8. Flood risk
9. Biodiversity, Trees and Hedgerows
10. Heritage impact and the Proposed Conservation Area
11. Sustainable Construction and Energy Efficiency
12. Section 106 Agreement

1. The Principle of Development

The application proposes residential development (up to 65 dwellings including 30% affordable) on a site outside of the village boundary of Broughton.

The current Development Plan position is set out below.

The East Midlands Regional Plan (EMRP) remains part of the Development Plan for the Borough. EMRP policy 11 focuses development at the growth town of Kettering, and states that the quality of villages should not be degraded by inappropriate growth. Policy MKSM SRS Northamptonshire 1 sets out that Kettering should be the main focus of growth, then the small towns, and in rural areas development should be limited with the emphasis being on meeting local needs and the retention of basic services and facilities. Policy 15 states that new housing in rural areas should contribute to addressing affordability issues by providing appropriate levels of housing in suitable locations.

Policy 1 of the CSS (and table 1) sets out the settlement network in North Northamptonshire. Broughton is defined as a settlement in the rural area of Kettering Borough. Policy 1 states that in rural settlements development will take place on sites within village boundaries. Development adjoining boundaries will only be justified where it involves the re-use of buildings or in exceptional circumstances it can be clearly demonstrated that it is required in order to meet local needs for employment, housing or services. Development will be focused on those villages which perform a sustainable local service centre role.

Policy 7 of the CSS sets out the housing delivery strategy for North Northamptonshire. Kettering Borough has a target for housing provision of 13,100 for 2001 to 2021. The focus of housing growth in the Borough is on a sustainable urban extension of 5,500 houses at Kettering East.

Policy 9 of the CSS states that new building development in the open countryside, outside the sustainable urban extensions will be strictly controlled.

Policy 10 of the CSS states that housing will be distributed to the growth towns, small towns and rural service centres, with limited development in the villages and restricted development in the open countryside. In the rural area of the Borough, the indicative housing requirement 2001-21 is 1640, of which 636 were completed 2001-06.

Saved policy RA/3 of the Local Plan defines Broughton as a Restricted Infill Village. Policy RA/3 states that where development is proposed outside of the defined boundaries of a Restricted Infill Village, open countryside policies will apply (policy RA/5). Saved policy RA/5 states that planning permission will not normally be granted for residential development in the open countryside, and sets out several exceptions. The development proposed does not meet any of the exceptions in the policy.

Therefore, the adopted Development Plan position is that the village is not a priority for development, and development outside the boundary is contrary to policy unless the development is required to meet local needs.

Emerging policy is a material consideration in planning decisions. The emerging Development Plan position for the site is set out below.

The emerging Site Specific Proposals LDD (SSP March 2012) set out two growth options for Broughton; no growth beyond the village boundary, or small scale growth beyond the village boundary. For housing development there were two options for growth; housing focused in one location (on adjoining sites RA/098 and RA/127) or dispersed across a number of separate sites. The application site is RA/098. Draft development principles for Broughton are set out in page 125 of the SSP.

The results of the consultation on the SSP March 2012 were presented to Policy Committee on the 13th September 2012, where Officer's responses to the comments were endorsed. Consultation responses have been reviewed and it is clear that there is opposition to development outside of the village boundary.

As the Site Specific Proposals LDD is at an early stage of preparation, the weight that can be given to the emerging policy is limited. Therefore, the fact that the application site (RA/098) is a potential housing allocation can be given little weight, particularly given the objections that were received.

Draft policy 10 of the emerging Joint Core Strategy (JCS) maintains the focus for development in Kettering Borough at the Growth Town of Kettering, followed by Market Towns (Burton Latimer, Desborough and Rothwell). The policy proposes a new category of Principal Villages in the rural area. Broughton is proposed to be a Principal Village. Draft policy 10 sets out that development in the rural area will meet identified local needs and support a prosperous rural economy, focused on those villages which have a significant range of existing services and facilities. The policy states that housing need will be established through specific assessments agreed with the LPA.

Draft policy 28 of the emerging JCS also proposed new housing requirement figures for the Borough. The emerging policy requires less housing growth than the current policy.

The consultation responses to the Emerging JCS were considered at the Joint Planning committee on the 29/11/12. The report shows that there are concerns

about the identification of principal villages, and the potential development pressure that such a designation may bring. Given that the emerging JCS is still at an early stage of production, and the principal villages and housing requirement policies have received objections, limited weight can be placed upon these emerging policies.

Therefore, the emerging policy position can be given little weight.

The applicant has highlighted that the site was identified as a potential housing site (site 1089) in the Strategic Housing Land Availability Assessment (SHLAA) of March 2009. The site was assessed as category 2; a site with limited constraints likely to be available for delivery after the first 5 years. However, the SHLAA is a technical study and does not form part of the Development Plan and therefore has little weight.

National planning policy in the NPPF is also a material consideration in planning decisions. The NPPF states that planning should be plan-led and every effort should be made to objectively identify and then meet housing, business and other development needs (paragraph 17). Policy 6 of the NPPF sets out that Local Plans should meet assessed housing needs (both market and affordable). The LPA should identify a 5 year supply of deliverable housing sites, with an additional buffer of 5% or 20%.

Paragraph 49 of the NPPF 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 sites.

Policy 54 of the NPPF states that LPAs should be responsive to local circumstances and plan housing development to reflect local needs. Policy 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The Borough cannot currently demonstrate a 5 year supply. As such, the NPPF states that there should be a 'presumption in favour of sustainable development'. The site is located on the edge of Broughton. The primary school is located on Cransley Hill within walking distance of the site and the shops and the pub are located on High Street, a short distance from the site. The village hall is the furthest amenity from the site, to the south-east side of the village. There are 3 bus services in the area; the 39 (Northampton-Kettering) 35 (Kettering-Great Cransley Broughton Hill) and 304 (Desborough-Rothwell-Northampton). The 39 is the most frequent service and the nearest bus stop is the High Street. It is therefore considered that the site is in a reasonably sustainable village location.

CSS policy 10 sets a housing requirement of 1,640 new dwellings in the rural area 2001-21. At March 2012 there had been 1,421 housing completions in the rural area, and a further 41 to be constructed. This leaves an outstanding

requirement of 178 dwellings.

The application will deliver 30% affordable housing in accordance with policy 15 of the CSS. This will help to meet the need for affordable housing in the Borough.

In conclusion, although current Development Plan policy does not support the proposal, the NPPF is a material consideration and has significant weight. Without a 5 year supply, and given the current under-supply of housing in the rural area against the requirement, and the local services and facilities in this large village that this proposed development would help to sustain through the S106 legal obligation, it is considered that housing development on this site is acceptable in principle.

2. The Reserved Matters of Access, Layout, Scale, Appearance and Landscaping

Access

The applicant has submitted a Transport Assessment (WSP 29/10/12) in support of the application and further information as requested by the Highways Authority.

The applicant originally submitted full access details with the application, showing the site being accessed from Cox's Lane (a single carriageway road approximately 5m wide), with a pedestrian/cycle access point also proposed at the existing access point off Cransley Hill. The applicant submitted a Site Tracking Plan that shows that a large refuse vehicle can access the site using that access.

However, during the course of the application, it became clear that the hedgerow along Cox's Lane has importance for ecological, historic and character reasons. Therefore, it has been recommended by the applicant's own assessment that any access from Cox's Lane should utilise existing gaps in the hedgerow. There is only one large gap in the hedgerow, at the western corner where Cox's Lane meets Cransley Hill. The Highways Authority has confirmed that an access using that existing gap is possible. Also, an access at this point would encourage drivers to use Cransley Hill rather than Cox's Lane or Silver Street. Details of the access will be finalised at reserved matters stage.

Many highways related comments have been received (summarised above). These have been fully considered by the highways authority, and no objection has been raised to the application.

The Highways Authority requires no bus service contribution due to the presence of the 39 service within 400m of the site. However, bus vouchers for all new households upon occupation are required, and two replacement bus shelters on either Kettering Road or High Street.

With the proposed conditions and S106 requirements, the application meets CSS policy 13 parts D, K and N and EMRP policies 44 and 45.

Layout

As layout is a reserved matter, applicants are required to provide only the approximate location of buildings, routes and open spaces (an indicative layout). The indicative layout shows built development to the south of the site, closest to Cox's Lane, and the open space and proposed pond to the south of the site, closest to the A43. The layout has been influenced by the presence of a water main which runs east-west across the site, which has a 9 metre wide easement (an area which cannot be built over or within). The indicative layout demonstrates that 65 dwellings can be accommodated on the site.

A consultation response has identified that the indicative layout does not provide a linkage to potential housing site RA/127. The Council's emerging Site Specific LDD proposes that the application site and RA/127 should be 'developed in a comprehensive manner'. As the Site Specific LDD is an emerging document, little weight can be placed upon this draft policy, and it is therefore not reasonable to condition a linkage to site RA/127. Final layout will be considered at reserved matters stage.

The indicative layout shows that the applicant allows for 130 parking spaces, not including garages. Appropriate parking levels will depend upon the housing mix, and will be considered at reserved matters stage.

The indicative layout shows the provision of open space on the site. The Council will require open space to be managed for 12 months and then transferred to the Council with a commuted sum for 15 years maintenance. In addition to the on site open space, the following contributions are required for open space provision and will be secured via the S106 agreement: £87,154 is secured for off-site community infrastructure (£5,773 towards Broughton Pocket Park, £3,748 towards High Street recreation ground, £16,242 towards Gate Lane recreation ground, £8,672 towards the village hall, and £52,719 towards indoor sports provision from the new population).

As layout is a reserved matter, and the submitted plan is indicative only, all detailed layout issues will be dealt with at reserved matters stage.

Scale

Where scale is a reserved matter, applicants are required to provide details of the upper and lower limits for the height, width and length of each building. The revised Development Framework Plan shows the dwellings to be a mixture of 1, 2 and 2.5 storey (max height 9.5m). Garages are a maximum height of 5.5m. The sub-station is also a maximum height of 5.5m. Although scale is a

reserved matter, given the edge of settlement location of the site, and the surrounding context of 2 storey dwellings on Cransley Hill and Cox's Lane, 2.5 storeys is not considered appropriate. Therefore, a maximum height of two storeys will be secured by condition.

The site is 3.5ha in size, which equates to a density of 18.6 dwellings per hectare (dph) (taking account of the whole site area including the proposed open space). This is considered an appropriate density, given the average density in the village is 21dph and this is an edge of village location.

Appearance

The application provides a description of the existing styles of properties in Broughton, but no details are given as to the proposed appearance of the development. Given the surrounding area is a mix of styles and periods of development; Cox's Lane 1880-1950 and Cransley Hill 1900-1930 approximately, the appearance of the development (design and materials) should take account of this context. Full details of appearance can be secured at reserved matters stage.

Landscaping

The applicant has submitted a Landscape and Visual Appraisal (FPCR Sept 2012) and Addendum Note (FPCR December 2012) and Landscape Strategy (FPCR Sept 2012) to support their application.

The applicant has assessed the visual impact of the proposal from 19 viewpoints. Overall the applicant states the site has low landscape sensitivity. The greatest visual impact will be on those properties that have a view of the site. Views of the site from Great Cransley are limited. It is clear from the site visit and public comments, that the hedgerow along Cox's Lane is a particular landscape character feature of the lane and the village. Therefore this is one reason why this feature should be retained.

The submitted Landscape Strategy proposes a small area of woodland is planted adjacent to the A43. The applicant seeks that the submitted Green Infrastructure Plan forms the basis of any landscape and biodiversity related conditions. The applicant's Appraisal was written before the importance of the Cox's Lane hedgerow became apparent (see below). As landscaping is not to be determined at this stage, it is not appropriate to condition that submitted plan and full landscaping details can be secured at reserved matters stage.

3. Walking and Cycling inc. Public Footpath

The recent Rural Masterplanning report and the Parish Plan both highlight that the parish council are keen to ensure provision of footpath and cycleway improvements, both within the village and to adjoining villages.

The site includes a public footpath and the Building for Life 12 assessment suggests that a further connection through the site is secured, from Cransley Hill to the existing footpath, to improve permeability. This can be considered at reserved matters stage. The proposal is considered to meet policy 4 of the

CSS which requires enhanced local connections.

4. Housing Mix

CSS policy 15 states that to deliver sustainable residential communities, a balanced mix of housing tenures and types should be provided. An identified need for 30% affordable housing will be sought. The policy also requires that new dwellings should be capable of being adapted to 'lifetime homes' standard.

The Council's housing strategy team advise that:

- the provision of social rented rather than affordable rented accommodation is required, and some shared ownership properties would also be suitable.
- 1-2 bed properties are in short supply
- Affordable bungalows should be fully wheelchair accessible

The location of the affordable units would be approved at reserved matters stage. The housing mix has not been stated in the application and will be determined at reserved matters stage. The application has proposed 30% affordable housing, and this meets the policy target.

5. Environmental Matters (Noise, Contaminated Land)

The applicant has submitted a Noise statement (WSP Acoustics April 2012) and a Preliminary Risk Assessment (WSP Environmental and Energy October 2012) to support their application.

The Noise Assessment recognises that the A43 is a noise source that will impact on the development. The Assessment recommends that private gardens are screened by dwellings to ensure they meet noise standards, and that the height of dwellings and the locations of noise sensitive rooms are considered in the layout and detailed design of the dwellings. These matters will be considered in the subsequent Reserved Matters application. Environmental Health recommends a condition to secure a scheme for insulating inside and outside the residences from noise.

Environmental Health recommends the standard full contaminated land condition, to consider naturally occurring contaminants in the Northampton Sand formation.

Subject to the imposition of the suggested conditions, the application is considered to meet CSS policy 13 parts L and P and NPPF policy 11.

6. Amenity Impact (Lighting)

The Applicant has submitted a Lighting Assessment (WSP 24/10/12) in support of the application. The Assessment concludes that the site is within an E2 rural environmental zone, which is a 'low district brightness' lighting environment. The Assessment states that the site will use street lighting in accordance with the County Council's 'Street Lighting Development Specification' (Oct 2011). The assessment does not consider lighting other than street lighting.

As layout is a reserved matter, the final lighting locations and specifications cannot be determined at this stage. Therefore, a lighting assessment will be secured by condition, to accompany the reserved matters application.

With the recommended condition, the application is considered to meet CSS policy 13(L) and NPPF paragraph 125.

7. Waste

Policies CS7 and CS8 of the Northamptonshire Minerals and Waste Development Framework Core Strategy are relevant to this application. The policies require that a Waste Audit and Waste Management Facilities Strategy are submitted with the application, to include details as set out in the Development and Implementation Principles SPD. The applicant submitted the information in January.

The policies and SPD require that a Waste Audit is submitted to cover the broad principles of waste minimisation and management for major development (over 10 dwellings). Waste management facilities strategy to address the broad principles of waste management and outline proposed facilities and design features for a medium development (less than 100 dwellings).

The County Waste Authority considers that the submitted documents do not fully address the relevant policies. Therefore, they advise that a site specific Waste Audit and Waste Management Facilities Strategy are secured by condition. With the recommended condition, the application is considered to meet policies CS7 and CS8 and the adopted SPD.

8. Flood risk

When determining planning applications policy 10 of the NPPF requires LPAs to ensure flood risk is not increased elsewhere (para 103). The site is in flood zone 1 and thus in an area of low probability of flooding. The NPPF Technical Guidance states that in zone 1, developments should seek to reduce the overall level of flood risk through the layout and form of development and the appropriate application of sustainable drainage systems. Houses are an appropriate use in flood zone 1.

The EA Standing Advice for a site over 1ha in flood zone 1 is that a Flood Risk Assessment (FRA) is required and it should include a Surface Water Drainage Strategy (SWDS). The applicant submitted a Flood Risk Assessment (WSP 2/11/12) which includes a SWDS to support their application. The application details show drainage to the existing ditch and a secondary storage pond within the site. Permeable pavements beneath shared driveways and parking courts are also suggested as well as entrances and air bricks of all properties to be set 150mm above surrounding ground levels.

The Environment Agency requested a revised FRA and this has been submitted. The EA have confirmed that they have no objection to the application, subject to conditions regarding surface water drainage and foul sewage infrastructure.

Subject to the recommended conditions, the application is considered in accordance with policy 10 of the NPPF and policies 32 and 35 of the EMRP and policy 13(Q) of the CSS.

9. Biodiversity, Trees and Hedgerows

The applicant has submitted an Ecological Appraisal (FPCR September 2012), Arboricultural Assessment (FPCR September 2012), Indicative Green Infrastructure Plan (FPCR) and Heritage Assessment of field boundaries (Jan 2013) to support the application.

The NPPF states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Significant harm from development should be avoided, mitigated or compensated for. This is echoed in the Biodiversity SPD. EMRP policies 26 and 28 support the protection and management of natural heritage. Policy 29 states that local authorities should ensure that development results in no net loss of BAP habitats and species. Also, creating, protecting and enhancing features of the landscape which act as corridors and stepping stones, essential for the migration and dispersal of wildlife.

CSS Policy 13(O) states that development should conserve and enhance the landscape character, historic landscape, designated built environmental assets and their settings and biodiversity of the environment making reference to the Environmental Character Assessment (ECA) and Green Infrastructure Strategy (GIS). The ECA states that the site is within the Central Northamptonshire Plateaux and Valleys area. This area has a rural character and hedgerows are a particular feature. The application site lies in the middle of a local green infrastructure corridor (Sywell Reservoir to Broughton). CSS policy 5 states that a net gain in green infrastructure will be sought, and that development will contribute to the enhancement of local corridors.

The application site is arable land and contains 5 mature trees (common lime, pedunculate oak and beech) and mature hedgerows (Cransley Hill 160m and Cox's Lane 150m length).

The Ecological Appraisal considers that the hedgerows and trees are of value for wildlife generally, providing commuting routes, shelter, foraging and nesting sites for birds. The two hedgerows qualify as a Northamptonshire Biodiversity Action Plan (BAP) priority habitat (as they contain over 80% of one woody native species). The Appraisal states that both the hedgerows also qualify as important habitats for conservation under the NERC Act, section 41 (which is a list of habitats and species of principle importance in England). Therefore both hedgerows represent important habitat at a national as well as a local level. This is a material consideration in the determination of the application.

Hedgerows can also be 'important' under the Hedgerow Regulations 1997. The Heritage Assessment of Field Boundaries states that the Cox's Lane hedgerow is of 'considerable antiquity possibly reflecting a medieval boundary line'. The hedgerow is therefore classed as important under the Hedgerow Regulations 1997. The assessment suggests that any access into the site

should be through existing 'gaps' rather than create new ones. As such, the applicant has withdrawn their original proposed access point. An alternative access point through an existing gap in the hedgerow, can be secured at reserved matters stage.

The trees on site have been assessed and the Arboricultural Assessment is accepted. All but one existing tree (a dead TPO hedgerow tree) will be retained and this will retain character and add maturity to the development. A condition to retain the trees is recommended, along with tree and hedgerow protection measures during construction.

The Appraisal identifies that the protected species potentially affected by the application are bats and great crested newts. Both species are local BAP priority species. Natural England and the Wildlife Trust do not object to the application and suggest conditions to secure on site enhancements for both species, an Ecological Management Plan and to secure the implementation of the recommendations of the Appraisal.

Subject to the recommended conditions, the application is considered to satisfy NPPF policy 11, EMRP policies 26 and 29 and CSS policies 5 and 13.

10. Heritage impact and the Proposed Conservation Area

The draft Conservation Area Appraisal was published for consultation in November 2012. Options of a tight and wide boundary were proposed. The site is within the 'wider boundary' of the proposed Conservation Area for Broughton but consultation responses, detailed analysis and other considerations have yet to be finalised and considered by committee. Even if the wider boundary were to eventually be adopted the designation of a Conservation Area does not protect land from being developed. Very little weight can therefore be given to the proposed optional boundary of the Conservation Area.

11. Sustainable Construction and Energy Efficiency

CSS policy 14(b) requires that for a development of this size, the development incorporate techniques of sustainable design and energy efficiency, provide for waste reduction/recycling, water efficiency/recycling and should demonstrate at least 10% of the demand for energy will be met on site or renewably. The applicant has submitted a Sustainability and Energy Statement to support their application.

As the proposal is in outline, the details of energy efficiency measures cannot be determined at this stage. A condition is recommended to secure compliance with policy 14(b).

12. Section 106 Obligation

A section 106 legal agreement will be completed to secure the 30% affordable housing and contributions to leisure infrastructure, education, libraries, fire and rescue and highways and bus infrastructure. The S106 terms meet the requirements of policy 6 of the CSS which requires new development to be supported by infrastructure, services and facilities.

Comments on other points raised by proposal

Members of the public have raised that the development would spoil the view from their property. The public do not have the right to a view and this is not a material planning consideration.

The public have raised that house prices will fall because of the development. This is not a material planning consideration.

Conclusion

This outline application is contrary to Development Plan policy regarding housing development outside settlement boundaries. However, NPPF policy is a significant material consideration and the proposal will provide for required housing and affordable housing and support local infrastructure in this large village. Subject to the imposition of the recommended conditions, and the signing of a S106 legal agreement, the application is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Susan Garbutt, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Cransley Hill (land at), Broughton
Application No.: KET/2012/0709



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