

BOROUGH OF KETTERING

Committee	Full Planning Committee - 12/03/2013	Item No: 5.5
Report Originator	Alison Riches Development Officer	Application No: KET/2012/0732
Wards Affected	Burton Latimer	
Location	Kingfisher Way (land off), Burton Latimer	
Proposal	Outline Application: Residential development with associated infrastructure, landscaping and public open space	
Applicant	A P Lewis & Sons Ltd	

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 the application be APPROVED subject to the following conditions, and subject to a S.106 OBLIGATION being completed within 3 months, or if not so completed, that the application be determined under delegated powers:-

1. Approval of the details of the 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. 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 conditions 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,
 - ground waters 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'.

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 in accordance with policy 12 of the National Planning Policy Framework.

6. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of 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.

7. 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. An 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 of the North Northamptonshire Core Spatial Strategy.

8. The development hereby permitted shall be limited to no more than 47 dwellinghouses.

REASON: To secure a satisfactory form of development in accordance with policy 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

9. The dwellinghouses 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 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

10. No residential development is allowed within the Pocket Park.

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 of the North Northamptonshire Core Spatial Strategy.

11. All new dwellinghouses 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.

12. No development shall take place on site until 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 demonstrating 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.

13. The approved point of access into the site shall have a minimum width of 4.8 metres and shall have a 1.8 metre wide footway on each side.

REASON: To ensure a satisfactory means of access into the site in accordance with policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy.

14. No development shall take place on site until details of the method of construction of the means of access 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 building is occupied, whichever is the sooner.

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

15. No development is to take place on site until a scheme for the provision, implementation, ownership 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 first occupied and shall include:

- " Consideration of the hierarchy of drainage and above ground SuDS features.
- " Percolation tests should be undertaken prior to commencement of detailed design.
- " Discharge rates as set out in the Flood Risk Assessment Ref 4674 Dated November 2012 and FRA Addendum (ref: 4674, dated December 2012)
- " Supporting drawings (including pond and flow control with levels to ODN) and calculations must be submitted.
- " 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 these in accordance with policy 13(q) of the North Northamptonshire Core Spatial Strategy.

16. 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.

17. A comprehensive Travel Plan shall be submitted to the Local Planning Authority accompanying the Reserved Matters application. The Travel Plan must be in accordance with the amended Travel Plan framework, received by the Local Planning Authority on 21st February 2013.

REASON: To maximise the use of sustainable transport modes in the interests of highway safety and in mitigation of the capacity effects of the development in accordance with Policy 4 of the National Planning Policy Framework and policy 13 of the North Northamptonshire Core Spatial Strategy.

18. No development shall take place within the site until the implementation of a programme of archaeological has been secured in accordance with a written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording and proper examination of any features of archaeological interest in accordance with paragraph 141 of the National Planning Policy Framework and policy 13(o) of the North Northamptonshire Core Spatial Strategy.

19. No development shall commence on site until details of the types and colours of all external facing and roofing materials, windows and rainwater goods 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.

20. 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 open space areas. 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.

21. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

22. 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 first 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 in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

23.No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining dwellinghouses are first occupied.

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

24.The storage and removal of waste from the site is to be carried out in accordance with the Site Waste Management Plan prepared by ABDS Ltd and the covering letter prepared by Insight Town Planning Ltd, received by the Local Planning Authority on 17th January 2013.

REASON: To manage waste and ensure the efficient use of resources and in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and policies CS7 and CS8 of the Northamptonshire Minerals and Waste Core Spatial Strategy and the adopted Development and Implementation Principles Supplementary Planning Document.

25.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 amenities of the area and adjoining residential properties in particular in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

26.Prior to the first submission of an application for the approval of reserved matters, a detailed scheme for the relocation of the existing badger sett shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make reference to the Badger Mitigation Strategy report 859/3, received by the Local Planning Authority on 16th November 2012, and shall include a detailed specification for the new artificial sett, including its precise location, and a timetable for implementation. The relocation of the sett shall be carried out in accordance with the approved details.

REASON: For the preservation of a protected species in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and policy 11 of the National Planning Policy Framework.

27.Prior to the commencement of development, a management plan for grounds maintenance, specifically relating to the area of the relocated badger sett, shall be submitted to and approved in writing by the Local Planning Authority. Grounds maintenance shall only be carried out as approved.

REASON: For the protection of the badger sett in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and policy 11 of the National Planning Policy Framework.

28. Prior to the felling or pruning of any trees on site, a detailed protected species survey, undertaken by a suitably qualified person, shall be submitted to and approved in writing by the Local Planning Authority. If as a result of the survey work there is any evidence of protected species a further report shall be prepared, submitted to and approved in writing by the Local Planning Authority prior to the commencement of any tree works. The report shall identify and set out mitigation measures to be taken to protect and provide for each species and their habitats. The tree works shall be carried out only in accordance with the measures approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of safeguarding protected species in accordance with Policy 11, paragraph 118 of the National Planning Policy Framework and policy 13 of the North Northamptonshire Core Spatial Strategy.

29. Prior to the clearance of the site, a detailed protected species survey, undertaken by a suitably qualified person, shall be submitted to and approved in writing by the Local Planning Authority. If as a result of the survey work there is any evidence of protected species a further report shall be prepared, submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance. The report shall identify and set out mitigation measures to be taken to protect and provide for each species and their habitats. The site clearance shall be carried out only in accordance with the measures approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of safeguarding protected species in accordance with Policy 11, paragraph 118 of the National Planning Policy Framework and policy 13 of the North Northamptonshire Core Spatial Strategy.

30. No development shall take place on site until a noise assessment together with a scheme for the sound insulation of the proposed residences has been submitted to and approved in writing by the Local Planning Authority. The buildings shall not be first occupied, until the development has been carried out in accordance with the approved scheme.

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

Notes (if any) :-

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

- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take into account and accommodate these assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- Following outline permission not all reserved matters have been submitted for approval. Without approval of details of appearance, landscaping, layout and scale, full permission has yet to be granted and works should not be commenced until these approvals have been obtained. Remaining details must be submitted for approval within three years of the date of the grant of outline permission.
- Although outline permission has been granted, the illustrative drawings submitted with the scheme are not hereby approved, and a scheme of reserved matters based on them is unlikely to receive the consent of the Local Planning Authority. The applicant is advised to discuss this with Development Services before submitting any scheme for approval of reserved matters.
- To satisfy the requirements of condition 15, the following information should be considered.
 - " Percolation tests should be undertaken and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
 - " The FRA calculates the 100 year Greenfield run-off rate and uses this as the maximum discharge rate from the site. The run-off from the site should replicate the existing conditions and should be restricted to the Qbar rate for all events or the Q1 for the 1-year return period, Q30 for the 30-year return period and Q100 for the 100-year return period. Calculations have been provided, but confirmation must be submitted which advises if run-off will be restricted to Q-bar or if a complex flow device will be used.
 - " If a complex flow is proposed details must be provided of the flow controls structures e.g. hydrobrake or orifice plate to ensure that a complex flow device can replicate the various greenfield discharge rates. The cross section of the complex flow device should be submitted.

- In order to satisfy condition 16, 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.

Justification for Granting Planning Permission

The proposal is in accordance with Policies 4, 6, 7, 8 and 11 of the National Planning Policy Framework, Policies 2, 28, 29, 32, 35 and 48 of The East Midlands Regional Plan and Policies 5, 6, 7, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy. The proposal conflicts with local policies as set out in Policies 3, 11, and MKSM SRS Northamptonshire 4 of the East Midlands Regional Plan, Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy and Policies 7 and RA5 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

None.

Site Description

Officer's site inspection was carried out on 30/01/2013.

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

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

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

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

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

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

Burton Latimer Pocket Park is to the west of the application site and this area has paths and seating managed for amenity purposes. The Park is bounded on the west side by the River Ise and the land slopes down towards the river in an east to west direction. To the west of the river is the Midland Mainline

London to Sheffield Railway.

Proposed Development

The proposal is for outline consent for residential development with consideration given to access and associated infrastructure, with other matters relating to appearance, landscaping, layout and scale reserved for consideration at reserved matters stage.

Further details were submitted by the applicant's agent in response to initial consultation responses and this information was reconsulted on by e-mail on 08/02/2013 for statutory consultees and by letter on 11/02/2013 for neighbours. Each set of consultees was given 7 days to comment from the date of their letter.

Any Constraints Affecting the Site

Burton Latimer Pocket Park.

4.0 Consultation and Customer Impact

Anglian Water

- Anglian Water owned assets within or close to the development boundary that may affect the layout. Advice to be added to the decision notice.
- Available capacity for foul drainage at Broadholme Sewage Treatment Works.
- Available capacity in foul sewerage system. Notice to be served under section 106 of the Water Industry Act 1991 for connection to the sewerage network.
- Request condition for agreed surface water strategy.

Burton Latimer Town Council

- No objection.

Community Services

- No objection.
- Financial off-site public open space contributions sought.

Reconsultation 08/02/2013

- No further comment.

Environmental Health

- No objection.
- Whole contaminated land condition requested as further investigations may be necessary when Reserved Matters are considered.
- No houses to be constructed within 30 metres of the railway line.
- Request noise/vibration condition due to proximity of proposed development to railway.

Environment Agency

- No objection.
- Objection, that original Flood Risk Assessment did not comply with the requirements of paragraph 9 of the Technical Guide to the National Planning Policy Framework, overcome by submitted addendum.
- Conditions requested relating to surface water drainage and provision of mains foul water drainage.

Reconsultation 08/02/2013

- No objection.
- Stirling Maynard Flood Risk Addendum ref 4674, dated December 2012 addresses previous concerns and allows objection to be withdrawn as per our letter of 10/01/2013.

Natural England

- Site in close proximity to South Field Farm Marsh Site of Special Scientific Interest (SSSI), but scale and nature of the proposal means satisfied this is not a constraint, provided the proposal is carried out in strict accordance with the details of the application as submitted.

Northamptonshire County Council

Archaeology

- No objection.
- Archaeological features surviving at the north eastern end of the site.
- Request condition for programme of archaeological works.

Highways

- Contributions requested for public transport of £1,000 per dwelling, and public footpath enhancements of £750 per market dwelling.
- Condition requested for accepted Travel Plan framework with additional measure suggested for bus passes.

Reconsultation 08/02/2013

- No further comment to make.

Key Services

Financial contributions sought for primary and secondary education, fire and rescue and libraries.

Minerals and Waste

- Site Waste Management Plan submitted in response to initial comments, having regard to policies CS7 and CS8 of the Northamptonshire Minerals and Waste Development Framework Core Strategy and the Minerals and Waste Development Framework Development and Implementation Principles Supplementary Planning Document.
- Covering note submitted to include referral to NCC's policy on waste development.

Reconsultation 08/02/2013

- Covering Note and Site Waste Management Plan accepted.

Pocket Parks

- Recommend further surveys carried out for European Protected Species due to proximity of ponds and ditches in the area.
- Badger Mitigation to reference objectives in site management plan for 2010-2015 produced August 2010.
- Site lies within Nene Valley Nature Improvement Area (NIA).

Walking and Cycling

- Contribution towards costs of improvements to the existing cycling infrastructure between Burton Latimer and Kettering.

Northamptonshire NHS

- Financial contribution of £880 per market dwelling.

Northamptonshire Police

- No objection.
- Build in accordance with Secured by Design, specifically in respect of doors and windows.

Reconsultation 08/02/13

- No further comment to make.

North Northants Badger Group

- **Objection.**
- Insufficient work carried out off site to justify an artificial sett in the location suggested.
- Several setts in the area. Important to establish a relationship between the sett on site and the other setts.
- Badgers strongly territorial. Artificial sett should not be located within the territory of a social group which is alien to that of the badgers on site.
- Territorial analysis required.

Reconsultation 08/02/2013

- Happy with condition set out in letter from Insight Planning dated 16/01/2013.
- Happy to co-operate with the applicant's ecologist when the question of relocation of the badger sett is considered at Reserved Matters stage.

The Wildlife Trust

- Ecological consultant's findings and conclusions acceptable in broad terms. Recommend the ecologists recommendations for mitigation/enhancement.
- Landscaped areas to use native species of plants, shrubs and trees.
- Not enough consultation of pocket park site area and there is insufficient

mitigation /compensation/enhancement proposed.

- Pond area and network of open/wet ditches close to the western edge of the site footprint. – ecologist to reappraise conclusions in terms of Reptiles and Amphibians.
- Seek expert advice re Badger Mitigation Strategy approach and methodology
- No cumulative impacts analysis report in terms of the ecological and GI aspects of its own proposals in combination with other nearby housing developments in BL. Applicant to address this gap in the available information needed to make a fully-rounded determination.
- Site within Nene Valley Nature Improvement Area.

Reconsultation 08/02/13

- Reiterate concerns with site area, Pocket Park mitigation, pond areas, cumulative impacts.

Neighbours

19 separate letters of **objection** and 1 petition with 48 signatures

- **Objection.**
- Over development in the area already.
- The need for private and social housing needs to be balanced against the effect on the present infrastructure and environment.
- Lack of improvement to local amenities e.g. not enough school places.
- Increased traffic on an already busy road. Access on and off the estate already congested.
- The meandering layout of Kingfisher Way is a hindrance to access.
- Parking on roads causes problems. Addition of houses would exacerbate this.
- Access to new development not wide enough.
- Dangerous for children and elderly as only one way in and one way out and 94 parking spaces proposed.
- Already overlooked to front and side of house, do not want it at the back as well.
- Houses in Bunting Close will experience a reduction in light and being overlooked.
- Building of further houses will add to problems with sewage system and flooding. River Nene regularly bursts its banks in this area.
- Evidence on site of bats, badgers foxes, deer, adders, grass snakes, red kites, owls, species of birds, honey buzzard etc.
- Moving the badger sett will cause them harm.
- Decrease in greenbelt round the local Pocket Park.
- Nene Valley is an AONB.
- Impact on the environment and appearance of the Ise Valley and surrounding countryside.
- Loss of hedgerows.
- Existing sewage system prone to blocking and overflow. Additional housing will affect this.

Other issues

Use by construction vehicles and loss of views into the countryside are not material planning considerations.

Reconsultation 11/02/2013

14 letters of **objection**

- No new issues raised to those already stated above.

5.0 Planning Policy

National Planning Policy Framework

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

Policy 11. Conserving and enhancing the natural environment

Development Plan Policies

East Midlands Regional Plan

Policy 2. Promoting Better Design

Policy 3. Distribution of New Development

Policy 11. Development in the Southern Sub-Area

Policy 28. Regional Priorities for Environmental and Green Infrastructure

Policy 29. Priorities for Enhancing the Region's Biodiversity

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

Policy 35. A Regional Approach to Managing Flood Risk

Policy 48. Regional Car Parking Standards

MKSM SRS Northamptonshire 1 Corby, Kettering and Wellingborough

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 5. Green Infrastructure

Policy 6. Infrastructure Delivery and Developer Contributions

Policy 7. Delivering Housing

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Policy 15: Sustainable Housing Provision

Local Plan

7. Environment: Protection of the Open Countryside

RA5. Rural Area: Housing in the Open Countryside

Emerging Policies (Local Development Framework)

North Northamptonshire Joint Core Strategy

Site Specific Proposals – Local Development Document

Supplementary Planning Documents

SPG Affordable Housing Contributions

SPG Education Contributions
SPD Sustainable Construction
SPD Biodiversity
SPD Open Space

6.0 Financial/Resource Implications

Draft Heads of Terms for the Section 106 obligation as follows:

- Affordable Housing – 30% on a 60%/40% Rent/shared ownership basis.
- Education – Primary, Secondary and Sixth form amount dependent on housing mix.
- Fire and Rescue Service – £92 per household
- Healthcare – £880 per market dwelling.
- Libraries – amount dependent on housing mix.
- Monitoring Fee – 5% of total financial obligations.
- Open Space – £40,830 for off-site community facilities.
- Open Space – Commuted sum for maintenance.
- Public Transport Provision – £1,000 per dwelling.
- Public Footpath Provision – £750 per market dwelling.
- Travel Plan – Contributions for free bus passes and for travel pack.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Access and Highways
3. Other Reserved Matters
4. Housing Mix
5. Land Contamination
6. Flooding
7. Drainage
8. Wildlife and Ecology
9. Trees and Hedgerows
10. Archaeology
11. Sustainable Construction and Energy Efficiency
12. Waste
13. Planning Obligations

1. Principle of Development

The application proposes residential development for 47 dwellinghouses of which 30% are to be delivered as affordable on a greenfield site located to the west of Burton Latimer, outside the settlement boundary.

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

otherwise.

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

Policy 9 of the North Northamptonshire Core Spatial Strategy gives priority to the reuse of suitable previously developed land with new building development in the open countryside, outside of the Sustainable Urban Extension, being strictly controlled. The application site is located outside the settlement boundary for Burton Latimer within open countryside as defined by saved policies 7 and 35 of the Local Plan for Kettering Borough. These policies state that planning permission for development will not be granted except where otherwise provided for in the plan. Policy RA5 of the Local Plan for Kettering Borough also restricts new residential development in the open countryside. As such, given the application site is in the open countryside, this application does not accord with these policies.

Although there is a policy presumption against new development in the open countryside, this must be weighed against other policy considerations within the Development Plan.

Policy 7 of the North Northamptonshire Core Spatial Strategy sets out the housing delivery strategy for North Northamptonshire with the target for Kettering Borough being the provision of 13,100 houses between 2001 and 2021, of which 5,500 is to be provided by the Sustainable Urban Extension of Kettering East. The policy also requires a deliverable five-year land supply of housing sites to be maintained.

Policy 10 of the North Northamptonshire Core Spatial Strategy focuses modest growth at the smaller towns with an indicative housing target for Burton Latimer of 700 dwellings within the plan period. Although, housing permissions in Burton Latimer to date have exceeded 700, the figures themselves are indicative/minimum figures not total figures for development in towns.

Policy 15 of the North Northamptonshire Core Spatial Strategy looks to the delivery of a balanced mix of housing types and tenure with a provision of 30% affordable housing to meet local need. The application proposes to deliver 30% affordable housing which will help meet the need for affordable housing in the Borough as a whole.

Emerging policy is also a material consideration in planning decisions.

The emerging Site Specific Proposals Local Development Document (SSP LDD) (March 2012) discounted the application site, BL/051, as an option for a potential housing site in Burton Latimer for the reasons of access to the highway network and impact on biodiversity and the Burton Latimer Pocket Park. As the SSP LDD is at an early stage of preparation, the weight that can

be given to this emerging policy is limited. The impacts on access to the highway, biodiversity and the Pocket Park will be discussed later in this report as material considerations.

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

Policy 6 of the NPPF requires Local Planning Authorities to ensure their Local Plans meet objectively assessed needs for market and affordable housing and identify a and update a five-year supply of deliverable housing sites, with a buffer of either 5% or 20% depending on delivery.

Paragraph 49 of policy 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, with relevant policies for the supply of housing not to be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

Kettering Borough cannot currently demonstrate a five-year supply of deliverable housing sites.

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

Although, there are policies in the Development Plan not supported by the proposal, the NPPF is a material consideration of significant weight. Without a five-year land supply, and the fact that the application site is in a sustainable location due to the relatively good level and services, facilities and public transport links, it is considered that the proposed housing development at this site is considered acceptable in principle.

2. Access and Highways

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access and not to have an adverse impact on the highway network or prejudice highway safety. Access is the only reserved matter to be considered as part of this Outline application.

The submitted plans show the application site to be accessed through an existing field gate between No.32 Kingfisher Way and No.12 Bunting Close. The existing carriageway width at the point of entry into the site is proposed to be 4.8 metres with a 1.8 metre wide footway on each side.

Objections have been received regarding existing congestion and on-street

parking problems in the Kingfisher Way estate and the width of the new access to the development. The narrowest part of the access between No. 32 Kingfisher Way and No.12 Bunting Close is shown on the submitted plans to be approximately 9 metres wide which will allow for two 1.8 metre wide footways, one each side of a carriageway that could be up to 5.4 metres in width at its narrowest point.

County Highways have accepted both the proposed access, with a carriageway of 4.8 metres wide, and the contents of the submitted Transport Assessment in relation to the impact on local junctions and on the A509 junction, and have not raised any comment or objection in relation to the traffic conditions on the existing estate roads in and around Kingfisher Way. They have accepted a pinch point at the site access but have suggested that the estate streets are made 5.5 metres wide to accommodate wide vehicles within the site. As layout is reserved for later consideration this issue will be dealt with in detail at reserved matters stage.

Highways require a S106 contribution towards public transport to support strategic bus services and infrastructure enhancements, as well as contributions towards upgrading the public footpath network, in particular works to footpath UA4 which is to the south of the application site, and to provide a link from the southern end of the new site access road.

Highways have also accepted the Travel Plan Framework provided by the applicant which includes the provision of Welcome Pack and bus vouchers for all new households.

Conditions will be added for the provision of a minimum carriageway width of 4.8 metres at the point of access between No.32 Kingfisher Way and No.12 Bunting Close with full details to be submitted for consideration at reserved matters stage alongside the layout.

As such, subject to the imposition of the suggested conditions and the S106 requirements, the proposed access is considered to accord with policy 13(d) of the North Northamptonshire Core Spatial Strategy.

3. Other Reserved Matters

The full details relating to the remaining reserved matters of appearance, landscaping, layout and scale fall to be determined as part of a later submission or submissions.

Appearance

Policy 2 of the East Midlands Regional Plan and policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to be of a high standard of design and be reflective and respectful of the character of its surroundings.

The applicants have provided an indicative layout, street scenes and perspective diagrams for the site and have given details of the proposed appearance and materials for the proposed dwellinghouses.

Objections have been received in terms of the indicative layout, raising concerns relating to overlooking and loss of light.

As appearance is a reserved matter, full details are to be secured for later detailed consideration.

Given the style and layout of surrounding development, in particular in Kingfisher Way to the north, which comprises a few terraced, mostly semi-detached and detached two-storey properties, the appearance of the proposed development is to take account of this context.

A condition will be added to require materials to be approved, prior to the commencement of development, to ensure the character and appearance of the future development is reflective of its surroundings.

Landscape

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

The applicants have submitted a Landscape and Visual Assessment (Iain Reid November 2012) (LVIA) to support their application but have not submitted a detailed landscape scheme for consideration. The LVIA concludes the overall landscape value of the site is moderate and the magnitude of the changes at completion the proposal would have an adverse and significant visual impact on the surrounding area which would diminish over time.

A full detailed landscaping scheme is to be considered at reserved matters stage.

Layout

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

As layout is a reserved matter, the applicants have provided only the approximate locations of the dwellinghouses, roads and open spaces as part of an indicative layout. The indicative layout shows residential development on the eastern part of the site in an area comprising 1.59 hectares with the remaining 0.19 hectares being set aside for public open space. No development is proposed on the area of the application site within the existing Burton Latimer Pocket Park.

The on-site open space is to be secured with an S106 contribution for a commuted sum for maintenance in line with the requirements of the Open Space Supplementary Planning Document.

In addition to the on-site open space S106 contributions have been secured for

off-site community infrastructure totalling £40,830 - £614 for Burton Latimer Pocket Park, £506 for King George V Playing Fields, £1,808 for Burton Latimer Community Centre and £37,902 for indoor sports provision from the new population).

The site is in close proximity to the London to Sheffield railway and Environmental Health has requested that no dwellinghouses are to be constructed within 30 metres of the railway line. As the railway is located in excess of 95 metres from the western site boundary at its nearest point to the railway, issues and mitigation, relating to noise from the railway and other sources will fall to be considered at reserved matters stage.

The applicants have undertaken a number of layout changes having regard to identified site constraints such as storm water detention basins and overhead power lines but as layout is a reserved matter, and the submitted plans are indicative only, detailed consideration of layout issues will be undertaken at reserved matters stage.

Scale

Policy 2 of the East Midlands Regional Plan and policy 13(h) of the North Northamptonshire Core Spatial Strategy require new development to be of a high standard of design, be reflective and respectful of the character of its surroundings and result in no unacceptable impact on neighbour amenities.

The indicative layout shows that the development area of 1.59 hectares within a 1.78 hectare site can accommodate 47 dwellinghouses which equates to a density of just under 30 dwellings per hectare. This is relative to the density of the existing Kingfisher Way estate immediately north of the application site. A condition is to be added to secure the number of dwellinghouses to ensure the density is maintained relative to surrounding development

The indicative layout and scale details submitted by the applicant suggest two- to three-storey terraced and detached properties with occasional semi-detached. Heights between 7.8 metres and 9.6 metres are provided and the three storey properties are included to give individual character to the proposed development. Although the height parameters are generally accepted, scale is a reserved matter, and the scale, style and layout of surrounding development, in particular in Kingfisher Way to the north, comprises a few terraced, mostly semi-detached and detached two-storey properties, and the proposed development will need to take account of this context. A condition securing the maximum height at two-storeys will be added.

In addition to the scale of surrounding development, the land within the application site slopes downwards towards the west and the River Ise, with a difference in land levels of approximately 10 metres from the northeast to the southwest corner. This will have an impact on the resultant heights of the proposed development. A condition requiring final ground and finished floor levels will be applied to address this issue.

4. Housing Mix

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

The Council's Housing Strategy team have indicated a requirement for 60%/40% rent/shared ownership in line with the Burton Latimer Housing Market Assessment (2010) with the provision of social rent rather than affordable rent with smaller 1 and 2 bed properties being included in the mix.

The applicants have agreed to the 30% affordable housing provision, and although the initial indicative mix did not include any 1 bed bungalows, the applicants have indicated that an amendment to include provision of 3 no. 1 bed bungalows, whilst having some effect on viability, could still be deliverable.

Detailed consideration of the mix and location of affordable units within the site is to be considered at reserved matters stage. Tenure will be secured as part of the S106 agreement.

5. Land Contamination

Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring contaminants found throughout the borough frequently exceed the levels at which the risk to human health is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site will be necessary to assess the extent of contamination which will then inform a remediation scheme.

This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with paragraphs 109 and 121 of the NPPF which requires development to enhance the local environment by remediating and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990.

6. Flooding

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

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

Objections have been received stating that there are problems with the sewage system at the adjacent housing development in Kingfisher Way, that the river regularly bursts its banks and that adding to the concrete jungle will add to flooding, although no evidence supporting these issues has been supplied by the objectors.

The applicants initial Flood Risk Assessment (FRA) was appended to take into account objections from the Environment Agency (EA). The revisions carried out by the applicants allowed the EA to withdraw its objection subject to the imposition of conditions for the provision, implementation, ownership and maintenance of the surface water drainage for the site, and the provision of mains foul sewage infrastructure on and off site.

As such, subject to the imposition of the requested conditions, and in addition to a condition regarding final ground and finished floor levels across the site, it is considered that the proposed development has addressed the issue of flooding at the site. This is in accordance with policies 32 and 35 of the East Midlands Regional Plan and policy 13(q) of the North Northamptonshire Core Spatial Strategy, which require new development not cause a risk to the quality of underlying groundwater or surface water, or increase the risk of flooding on site or elsewhere. The policies also require that where possible new development is to incorporate Sustainable Drainage Systems leading to a reduction in Flood Risk.

7. Drainage

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

Sustainable Urban Drainage Systems (SuDS) aim to replicate natural drainage processes to ensure the rate of surface water run-off from the developed site is no greater than the rate of surface water run-off from the un-developed site.

With respect to waste water, Anglian Water has no objection to the proposed development and confirms that the application site is within the catchment area of the existing Sewage Treatment Works at Broadholme, near Wellingborough, and there is sufficient capacity to deal with the level of waste flows from the proposed development.

The submitted Flood Risk Assessment and subsequent amendments are considered acceptable to both the Environment Agency and Anglian Water in subject to the imposition of conditions requiring a Surface Water Drainage Strategy to be submitted and approved. This will ensure compliance with policy 13(q) of the North Northamptonshire Core Spatial Strategy.

8. Wildlife and Ecology

The Local Planning Authority has a legal duty under the Wildlife and Countryside Act 1981, as amended, the Natural Environment and Rural

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

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

The applicant's submitted an Ecological Appraisal and Protected Species Report, reference 859/3, dated November 2012, which included an extended Phase 1 habitat survey and scoping and surveys for protected or biodiversity species.

The report concluded that the development area of the site, comprising of two fields to the east of Burton Latimer Pocket Park, is dominated by species poor rough grassland with invading scrub, indicating a lack of management. Surrounding the site, to the south and east are open fields with similar grassland to the site but this is mown short, and the Pocket Park to the west is fenced off from the application site and is managed for amenity purposes.

In terms of protected species, the report concluded that apart from the presence of a badger sett, superficially the site has habitats suitable for use by a number of protected or biodiversity species, but that its small size and enclosed nature restrict its use by some species. In addition, disturbance of the site due to unofficial access by dog walkers etc. and lack of management are also potential factors in low wildlife interest. Based on the survey evidence, the proposed development was considered unlikely to impact significantly on protected or biodiversity species, with the exception of badgers, for which relocation of the sett is proposed and a strategy provided. The report also required site clearance, especially to provide access through or by hedgerows, to be undertaken outside of the nesting season, and requested the provision of bird nest boxes and/or bat boxes on some of the new dwellinghouses.

An initial objection was received from the North Northants Badger Group requiring further survey work to be carried out, but after further consultation with the applicant and a suggested condition relating to the relocation of the sett, the objection was withdrawn.

The Wildlife Trust had a number of issues relating to the site survey area, consultation and mitigation in respect of the Pocket Park, the survey results for Reptiles and Amphibians in light of the presence of a pond area and network of

open/wet ditches lying close to the western edge of the site footprint, the site being located within the Nene Valley Nature Improvement Area and the cumulative impacts on ecology of a number of nearby schemes for residential development.

Following consultation with the applicants on the issues raised by the Wildlife Trust, it is considered that the survey area corresponds to the area within the site allocated for the proposed residential development, the Reptile and Amphibian survey work was also carried out in this area, together with an area within the Pocket Park. The network of ponds and ditches lying close to the western edge of the site footprint is outside the area for residential development, is within the Pocket Park and will be retained as part of the Pocket Park and it is considered the initial surveys are adequate in this respect.

The application site is within the Nene Valley Nature Improvement Area but, the proposed size of the development is below the threshold for which consultation on any adverse impacts on the Improvement Area as a whole is required. With respect to the cumulative impacts of other proposed residential schemes in the area, it is not considered reasonable to expect the applicants to undertake this. It is considered that the survey work and mitigation measures required for each scheme will contribute cumulatively to the protection and conservation of biodiversity in the wider area.

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

9. Trees and Hedgerows

Trees

The submitted Arboricultural Survey (December 2012), noted established trees and hedgerows to be located mainly on the peripheries of the site. The arboriculturist recommends no trees are to be felled during the bird nesting season and, prior to any felling, investigations should be undertaken for the presence of bats and other protected species. Tree works are to be carried out in accordance with the recommendations and guidelines in BS5837 (2012) in relation to design, demolition and construction.

Subject to the imposition of relevant conditions regarding felling and protected species, the proposal will accord with the policy 13(o) of the North Northamptonshire Core Spatial Strategy.

Hedgerows

The part of the application site set aside for the proposed housing development consists of two unmanaged rough grassland fields bisected by a central hedgerow approximately 133 metres in length. The eastern field shows a slight decrease in land level from the northeast to the southwest corner, and in the

western field there is a more prominent slope downwards northeast to southwest as well as in a east to west direction.

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

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

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

The Hedgerow Regulations 1997 requires the retention of 'important' hedgerows. Hedgerows are 'important' if they have existed for 30 years or more and satisfy either one of the criteria relating to archaeology and history, or wildlife and landscape.

The submitted Ecological Appraisal and Protected Species Report, reference 859/3, dated November 2012, confirms that neither the central bisecting hedgerow nor boundary hedgerows satisfy the wildlife and landscape criteria for 'important' hedgerows in terms of the number of woody species present, surrounding landscape features and protected or rare species.

In terms of archaeology and history, there is some debate over whether the northernmost end of the central bisecting hedgerow was present on an 1803 map held at the Northants Record Office, as an integral part of a field system predating the Inclosure Acts. The first Inclosure Act was in 1845. The applicants argue that, if the hedgerow is present on this map, only a very small part remains, the remainder having been removed as part of the Kingfisher Way development to the north of the application site and that the context has been lost.

A Judicial Review case – Flintshire county Council v NAW & Mr J T Morris in 2002 – confirmed that paragraph 5(a) of Part II of Schedule 1 of the Hedgerow Regulations 1997 determines that a hedgerow is important regardless of the current completeness of the historic field system. Notwithstanding this, the presence of a hedgerow and its relative significance is only one material consideration which has to be weighed against the core principle of the NPPF which is the presumption in favour of sustainable development.

It is considered that the importance, or otherwise, of the northern section of the bisecting hedgerow, and therefore its retention under the Hedgerow

Regulations 1997, does not outweigh the need for housing and the lack of a five-year land supply. As the layout of the site is a reserved matter, detailed considerations regarding landscaping and retention of features within the site will be considered then.

By adding a condition requiring the landscaping of the site, including the site boundaries, it is considered that due consideration has been given to the status of the hedgerow features in line with policy (o) of the North Northamptonshire Core Spatial Strategy.

10. Archaeology

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

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

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

The applicants carried out trial trenching as part of an Archaeological Field Evaluation in accordance with a Written Scheme of Investigation agreed by Northants County Council Archaeology Department. Nine trial trenches were dug – 1-6 in the east field, 7-8 in the west field, 9 in the Pocket Park., and archaeological finds were found in trenches 1, 2, 4 and 5 in the northeast corner of the site.

As a result of the trial trenching, Northamptonshire County Council Archaeology require a condition to be added requiring a further Written Scheme of Investigation for a programme of more intensive archaeological works to allow the known archaeological remains to be fully investigated and recorded.

Subject to the imposition of the recommended condition the proposal will accord with policy 13(o) of the North Northamptonshire Core Spatial Strategy.

11. Sustainable Construction and Energy Efficiency

Policy 14(b) of the North Northamptonshire Core Spatial Strategy states that new development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency, should demonstrate

that at least 10% of the demand for energy will be met on site and renewably, and be in accordance with the requirements of the North Northamptonshire Sustainable Design Supplementary Planning Document.

As this application is for outline planning permission only, the information submitted with the application provides a framework for the standards of energy efficiency and sustainable construction methods to be used with consideration of the details to be done at reserved matters stage. A condition is to be added requiring full details to be submitted for further consideration.

12. Waste

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

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

The applicants submitted a Site Waste Management Plan (SWMP) which was amended to provide details relating to waste management. Northants County Council Waste Authority considered the submitted SWMP and amendments to be acceptable and this is to be secured by condition to ensure compliance with policies CS7 and CS8 and the adopted supplementary planning document.

13. Planning Obligations

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

A section 106 legal agreement is to be completed to secure financial and non-financial contributions for 30% affordable housing, education, fire and rescue, healthcare, open space, public transport and footpaths and sustainable transport in compliance with policy 6.

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. 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:

Previous Reports/Minutes

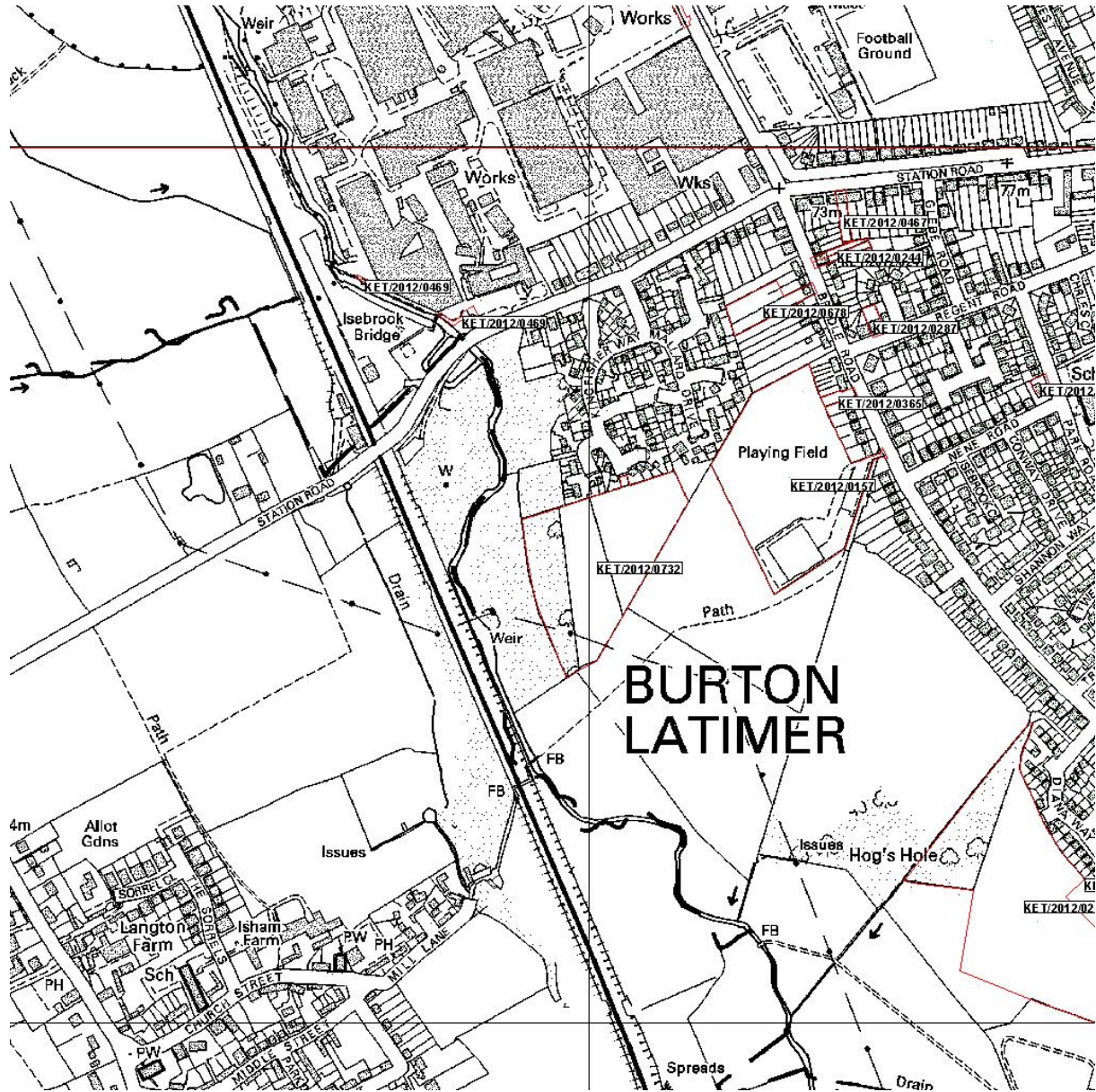
Ref:

Date:

Contact Officer: Alison Riches, Development Officer on 01536 534316

SITE LOCATION PLAN

Kingfisher Way (land off), Burton Latimer
Application No.: KET/2012/0732



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: 14/11/2012 Do not scale from this map. For illustrative purposes only.