3.0 Information

Relevant Planning History
None

Site Visit
Officer's site inspection was carried out on 08/01/2018

Site Description
The 3.15ha grass field site is located within the open countryside to the south-west of the Town. Public Right of Way (PROW) footpath UA4 runs through the site from Bridle Road to a pedestrian footbridge over the Midland Mainline and River Ise to the south west of the site.

To the sites eastern boundary is a piece of open space associated with a recent housing development and there is another recently constructed residential development enclosing its northern edge. The other edges are enclosed by fields.

Pre-application
Pre-application advice was given under reference PRE/2014/0069 which gave advice on various matters concluding that due to the issue with the principle of development…the proposal is likely to receive a recommendation for refusal.

Proposed Development
The application seeks outline planning permission for up-to 84 houses with all matters reserved aside from access. Access is proposed from Gardner Road toward the sites northern corner. The ‘Masterplan’ submitted with the application shows diversion of the PROW, retention of existing hedging, play areas and a small area of open space. 30% affordable housing is proposed.

Any Constraints Affecting the Site
Within the open countryside
The site includes PROW (UA4)

4.0 Consultation and Customer Impact

Burton Latimer Town Council: Object on the following summarised grounds:

- Contrary to countryside constraint planning policy
- Object to further development in the Ise Valley as a principle
- Insufficient open space proposed
- Harmful impact to wildlife including protected species
- The application failed to acknowledge existing traffic problems in the area
- Doubts whether the proposed hard surfacing to the PROW is a benefit
- No benefit to the Town
- Benefits from the site can be better provided on other sites
- Any expansion of the Town should be to the south side of Higham Road to the south-east of the Town
• The development should contribute towards the expansion of the Town’s medical centre, allotments, town centre schemes and pedestrian links in a Section 106 if minded to approve

**KBC – Environmental Protection:** Requests that the applicant’s gives considering to sustainable travel, air quality improvements and traffic reduction measures

**KBC – Environmental Care:** The application should make provision for waste vehicle access and suitable bin collection arrangements

**KBC – Housing Strategy and Development:** Say that:

  • The distribution of affordable homes shown on the Masterplan is acceptable
  • Require a mix of 1-4 bed dwellings including some being suitable of disabled access and a 60/40 affordable rent/shared ownership split
  • Houses should be 2b4p, 3b5p or 4b6p as a minimum

**NCC – Local Highway Authority (LHA):** State that they cannot support the application and require further information with the following comments:

  • The junction modelling shows that there is spare capacity at the junction of Gardner Road with Bridle Road to accommodate the site traffic.
  • There are concerns over the on-street parking on Gardner Road and the effect that the increased traffic will have on this and the impact on congestion for large service vehicles.
  • The site access is approximately 315m from the nearest bus stop. Both stops have raised plinths, trueform posts and flags. The developer is to supply a one month MegaRider bus ticket per household valid from the day of occupation of each dwelling.
  • The TA proposes a minor improvement to the Polwell Lane / Station Road crossroads junction, with a value of £15k. We would suggest that the applicant adds the cost of any TM / Design / Optimism bias etc. and that the contribution is payable to highway improvements within Burton Latimer more generally, as there are a number of minor (and major) sites which have made contributions towards mitigation works (including at this junction). Some flexibility on spend would therefore be beneficial.
  • The applicant is to seek to access the site from the Kingfisher Way development as well as Gardner Road.
  • The application is located off a non-adopted road.
  • Should there be no adopted access to the site; the site would be unable to place the roads forward for adoption. The site would not, therefore be eligible to benefit from Local Authority street maintenance, street lighting and its maintenance, refuse collections, street sweeping or street gritting if applicable and all of the residents would be subjected to a maintenance company.
  • There could be no mechanism to bring the streets forward for adoption and the maintenance company would need to manage the site in perpetuity.
  • Should an adoptable access be available from Gardner Road and Kingfisher Way we would have no objection, in principle, to the proposal. The developer will need to evidence that this upgrade is within their control and ability. The
upgrade should be to adoptable standards of 5.5m wide carriageway (subject to tracking) with 2 x 2m footways.

**NCC – Lead Local Flood Authority (LLFA): No object** subject to the imposition of a condition requiring the approval of a surface water drainage scheme, ownership and maintenance details of the scheme and a verification report.

**NCC – Development Management:** Say that the proposal should make a contribution toward: Early years, primary and secondary education and libraries and should also provide fire hydrants and opportunities for broadband.


**Northants Badger Group:** Object on the basis of the proposal having an adverse impact to badgers although go on to acknowledge that a relevant condition could be attached to deal with the impacts.

**Northamptonshire Police:** Provide a series of comments relating to secured by design principles that the proposal should look to incorporate.

**Neighbours:** 32 letter of objection received by third parties in the locality. The objections are consistent with those stated by the Town Council, above.

### 5.0 Planning Policy

**National Planning Policy Framework**
Core Principles, Chapter 4 (Promoting sustainable transport) Chapter 6 (Delivering a wide choice of quality homes), Chapter 7 (Requiring good design), Chapter 8 (Promoting healthy communities), Chapter 10 (Meeting the challenge of climate change, flooding and coastal change), Chapter 11 (Conserving and enhancing the natural environment) and Chapter 12 (Conserving and enhancing the historic environment).

**Development Plan Policies**

**North Northamptonshire Joint Core Strategy**
1. Presumption in favour of sustainable development
2. Historic environment
3. Landscape character
4. Biodiversity and geodiversity
5. Water environment
6. Development on brownfield land and land affected by contamination
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
13. Rural exceptions
15. Well-connected towns, villages and neighbourhoods
16. Connecting the network of settlements
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure
Appendix 4 – the assessment of housing land supply relative to the requirements of JCS Policy 28

Saved Policies in the Local Plan (LP) for Kettering Borough
7. Environment: Protection of the Open Countryside
RA5. Rural Area: Housing in the Open Countryside

Other Documents:
Site Specific Part II (SSP2) Local Plan – Options stage
Burton Latimer Parish Plan (2012)

6.0 Financial/Resource Implications

Due to the nature of the proposal it shall be expected to contribute toward local community infrastructure to off-set its impacts and in its ‘Planning Supporting Statement’ identified the following as potential Heads of Terms for a Section 106 Agreement:

- Education
- Affordable housing
- Open space and Community facilities
- Highways
- Health care
- Open to other contributions provided that they are viable and comply with CiL

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenities
4. Impact on the safety and convenience of the highway
5. Impact on flooding and sewerage provision
6. Impact on ecology
7. Impact on heritage assets
8. Impact of possible ground contamination
9. Sustainable buildings
10. Community infrastructure and affordable housing provision
11. Benefits
12. Planning Balance

1. The principle of the development
Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Saved Policies of the Local Plan and the North Northamptonshire Joint Core Strategy, with the National Planning
Policy Framework (NPPF) as a significant material consideration in planning applications.

Local Plan Part II is not currently at a stage where weight of any significance can be attributed. Whilst the adoption process of the ‘Parish Plan’ reduces the weight that could be afforded to it in a planning application it is nevertheless a material planning consideration.

The site is not allocated for development within the Local Plan (LP) and classified as ‘open countryside’ and thereby considered under policies 7 and RA5 of the LP. The proposed development (given its scale and nature) would not meet the tests of the JCS’s open countryside exception policy 13. In addition the proposed development would not accord with the strategic aims or the spatial strategy for the Boroughs rural areas of the JCS in policies 1, 11 and 29 that seek a plan led sustainable pattern of growth that also protects the rural area and by virtue of the proposed scale, nature and location of the proposal would also not accord with policy 8 of the JCS. Therefore, the principle of the development is contrary to the two components of the Development Plan. As such, in accordance with planning law, planning permission should be refused unless material considerations indicate otherwise. In this case, a material consideration to which significant weight has been applied is the NPPF.

The golden thread running through the NPPF is presumption in favour of sustainable development and advises that for decision making this means. ‘Approving development that accords with the development plan without delay and where a development plan is absent, silent or out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF, or if the policies in the NPPF advise against it.’ (Para 14).

The NPPF states Local Plan policies for supply of housing should not be considered up-to-date if a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (Para 49). As it is considered that the Borough can provide a five year supply of housing, as evidenced by the JCS, the Local Plan and the JCS is therefore up-to-date.

The Council’s current five year housing supply position was recently scrutinised under cross examination in a Public Inquiry Appeal with regard to a site at Willowbrook Stud Farm, Rushton Road, Desborough, Kettering NN14 2QN under local reference KET/2015/0978 and Appeal reference; APP/L2820/W/16/3149835 for up to 147 dwellings. The Appeal decision was issued on the 16th June 2017 and concluded that the Council can demonstrate a housing supply in the region of 5.7 years including a 5% buffer. This figure is broadly consistent with the findings of the North Northamptonshire Authorities' Monitoring Report (AMR) 2015/16 – Assessment of Housing Land Supply (2017-22) dated April 2017 which identified 5.53 years of housing supply.

The Inspector in her deliberations considered the base housing land requirements (including windfall allowance), size of the buffer, lapse rate, deliverable supply (including at the SUE’s of Kettering East, Rothwell and Desborough North and in the
context of the Kettering Town Centre Area Action Plan) and disputed sites with planning permission. In addition the Inspector gave limited weight to the emerging SSP 2 sites. The progression of the SSP 2 today has not changed significantly from the time it was considered in the Appeal. The ability of the Council to demonstrate over 5 years of housing land supply played a major tilt when the Inspector was dealing with the Planning Balance and did not find in favour of the appellants in the Balance when factoring in the benefits that would be associated with up to 147 dwellings. Notably the benefits associated with 147 dwellings would be more substantial than those associated with the proposed 84 dwellings here.

A later appeal decision made in December 2017, also an Inquiry and also for a site in Desborough (APP/L2820/W/16/3162430), whilst allowed, also agreed that the Council can show a five year supply of housing sites.

Given that this most recent appeal decision was issued less than 6 months ago with the circumstances surrounding those decision largely unchanged they are a relevant material consideration when determining this application especially given their robust nature under cross-examination.

In terms of delivery going forward; most notably the Sustainable Urban Extensions at Kettering East (underway) is significantly contributing to housing land supply within the Borough and is expected to do so for a continuous period until its 5500 houses are built out. Significantly sized housing sites in Rothwell, Desborough and Kettering, totalling in the region of 1000 houses are also progressing well through the planning process. Other sites totalling over 300 dwellings are also currently under construction in Burton Latimer which together with other moderately sized sites across the Borough are contributing to housing supply.

This gives a holistic picture of the Borough’s current housing land supply position but the JCS also critically separates the Borough’s housing targets with Kettering providing the bulk (6,190), the Market Towns to provide 3,730 and the rural area to provide 480 dwellings. This disaggregated approach is to guide growth to the Borough’s most sustainable Growth settlement and to protect the rural areas whilst also allowing a modicum of growth in support of local needs. These houses should be delivered through the life of the Plan, subject to robust annual monitoring, between 2011 and 2031.

Dealing with Burton Latimer and its housing supply; historically, housing delivery in Burton Latimer has been strong and the current outstanding total housing target requirement for Burton Latimer as of March 31st 2017 is 18 dwellings for the remaining plan period (2031) based on housing requirements set out within Policies 28 and 29 (JCS) with an additional 10% buffer figure applied (the actual housing requirement has already been met). As a result, there has been a historical oversupply of housing within the town, and together with the pending allocation of other sites in the emerging SSP2, current housing targets for Burton Latimer (including 10% buffer) will be met and in all likelihood significantly exceeded.

The proposed development would result in an over-provision for the plan period of 66 dwellings within Burton Latimer (above the housing target and 10% buffer), which given the timing of its delivery 13 years premature and scale of the proposal, is
considered to detract from the primary focus of Kettering town as a growth town and has the potential to undermine the vision and outcomes of the Joint Core Strategy.

The proposal would therefore be contrary to Policy 11 (JCS) which sets out in its ‘Table 1 Spatial Roles’ that Burton Latimer provides a more localised convenience and service role, with growth pressures directed to the adjoining Growth Towns (i.e. Kettering). Table 1 also requires the scale of development at individual settlements to be related to existing commitments, the current and potential capacity of infrastructure and services, regeneration need and the character of the town as set out in the referred table. As such the provision of such a significant amount of houses would severely prejudice the aspirations for Burton Latimer by resulting in growth not commensurate with existing capacity of the Town’s infrastructure which would fail to cope and therefore constitutes unsustainable growth in a way that is not plan led.

This matter is tackled in the applicants ‘Planning Supporting Statement’ dated 06 November 2017; which makes the following points:

- The current Local Plan is out-of-date
- The Inspector for the above referenced appeal concluded that the Council’s five year housing position was lower than that presented by the Council
- Regardless of the five year housing land supply position the proposal would boost housing land supply
- Acknowledge that the proposal would exceed the JCS commitment for housing land supply in Burton Latimer but would not be such an extent so as to undermine the Strategy or overburden Burton Latimer
- The site was considered in SSP2 but has been discounted – there are concerns that the site was discounted prematurely and should be revisited
- The site’s location outside the defined Town confines does not preclude its development
- The proposal is acceptable in terms of its visual impacts

By way of response; firstly case law tells us that the age of a Plan is largely irrelevant it is its compliance with the NPPF which is the key factor and given the Council has five years of housing land supply Local Plan housing policies are up-to-date and relevant. The applicant agrees that the Council can demonstrate five years of housing land supply and thereby there is no requirement for the Council to release sites which are inconsistent with up-to-date Development Plan Policy in conflict with their strategic sustainability aims. To take a different approach would be irresponsible and could reasonably influence similar proposal on edge of settlement sites. The sites visual acceptability is largely linked to the principle and whilst the details of this are discussed below in light of the principle objection to the proposal the development of a green site would also be considered to be unwarranted and therefore count against the proposal.

Thereby the submission is not considered to make a persuasive argument in favour of the proposal that would justify setting aside the Development Plan conflict identified.

In any event, irrespective of the District’s current five year supply of housing position
the development of the site would result in a form of un-sustainable development and therefore is inconsistent with the key thrust of the NPPF for seeking a sustainable pattern of growth.

As such the development is contrary to the identified Local Plan and JCS policies above and is inconsistent with the NPPF which seek sustainable patterns of growth and to protect the intrinsic character of the open countryside.

2. Impact on the character and appearance of the area

Policy 8 (d) of the JCS, consistent with chapter 7 of the NPPF seeks development to respond to the site’s immediate and wider context and local character.

To demonstrate compliance with policy on this matter the proposal was accompanied by a Landscape and Visual Impact Assessment (LVIA).

The site contributes toward the open green aspect to this side of the Town and the Ise Valley, comprising an area of open grassland which makes a significant contribution to the rural setting of the Market Town. The importance to landscape to this side of the town has been recognised with land to the south identified in the emerging SSP2 as being Historically and Visually Important Open Space.

The proposal would fundamentally alter the sites green and spacious character and urbanise the rural setting of the Town to this edge. As such the proposal would have absolute harm to the visual amenities of the site as well as to its surroundings and the way in which the area is experienced. This harm as well as being felt by the environment would be particularly apparent to surrounding occupiers, users of the PROW that passes through the site and those people who use the surrounding area as a leisure resource. Such harm to these closest visual receptors and therefore the environment has been weighted with major/moderate effect in the LVIA. Such an effect is considered to constitute apportioning significant harm derived from the proposals interaction with the site, its surroundings and the setting of the Town and the way it is experienced by receptors. The proposed hard-surfacing of a stretch of the currently rural PROW (UA4) would be a fundamental change to the character of that route that is also considered to be harmful.

Whilst the general methodology, approach and findings of the LVIA is not contested the claim in its ‘Conclusion’ that the development ‘would not have significant visual effects in planning terms’ is disputed. This is because the major/moderate effect identified in its assessment must also sensibly relate to apportioned harm and therefore significance to planning. Such harm must form part of the balance especially when it is unwarranted harm given that the proposal is considered to be unacceptable in principle.

As a result it is considered that the proposal has failed to result in a development that respects the character and appearance of the site, the surrounding area and the rural setting of the Town. As such the proposal is inconsistent with JCS Policy 8 (d) and NPPF Chapter 7 that seek development to respect local character and context. This is harm that should be afforded weight in the planning balance.

3. Impact on residential amenities
Policy 8 (e) of the JCS consistent with the Core Principles (point 4) of the NPPF aims to ensure quality of life by protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

In terms of impacts to existing residential receptors; the closest neighbours to the site are those that share a boundary in Kingfisher Way and Mallard Drive along its western edge and Gardner Road and Dearlove Road to the north. The application was accompanied by an indicative ‘Masterplan’ layout. This layout shows some issues that may cause concern to neighbour’s amenities particularly the relationship shown between plot 18 and the rear elevations of certain Kingfisher Way dwellings. This concern however could easily be remedied in the reserved matters when layout, design and appearance are considered as the layout shows a spacious residential development where changes can reasonably be made. Thereby the proposal can come forward in a way without direct impact to surrounding resident’s amenities. Any significant impacts arising through construction of the site can be controlled via the approval of a Construction Management Plan by condition prior to commencement.

Moving on to the impact of the proposal to future occupiers; the density proposed, as demonstrated by the indicative layout, is such that the reserved matter layout can be arranged in such a way to avoid harmful levels of overlooking, overbearing and overshadowing. The gardens are also shown to be appropriately sized for family accommodation with public open spaces and play areas also proposed. The internal sizes of the units would be judged against Policy 30 of the JCS, which seeks compliance with National Space Standards, when the reserved matters are considered. The Council’s Environmental Protection raises no noise related issues with respect to the proximity of the railway toward residential amenity or any other matters that may harm the quality of life experienced by future occupiers at the site.

As such, for the purposes of considering impacts associated with the principle of developing the site for the quantum of residential units proposed at this location with all other matters other than access reserved, the proposal is considered to safeguard residential amenity. Therefore in this context the proposal is considered to be acceptable.

4. Impact on the safety and convenience of the highway
Policy 8 (b) of the JCS consistent with the Core Principles of the NPPF is concerned with highway safety and seeks to ensure satisfactory means of access and parking provisions and resist development that would prejudice highway safety. Consistent with Chapter 4 of the NPPF the JCS policy also prioritises the needs of pedestrians, cyclists and public transport users.

The LHA appear to be broadly comfortable with the proposal saying that the junctions have capacity for the proposal subject to some minor improvements and give a way forward in the event that the access is not adopted highway. Their residual concerns relate to on-street parking having an effect on large service vehicles due to increased traffic movements. They would also like to see an access to the site from Kingfisher Way.
In terms of the impact on service vehicles; there does not appear to be a notable parking issue within the accessing streets of Mutlow Drive/Dearlove Road/ Walden Road or Gardner Road. In particular there is ample off-street parking available, two ways of accessing the estates main access road and notably Dearlove Road has housing on only one side. There is no reason to believe that there are currently any significant issues to servicing vehicles and no reason to suppose that the proposal would result in significantly more on-street parking on the existing surrounding road network that may cause a nuisance. The layout provided also shows ample provision of off-street parking within the proposal. The occasional inconvenience to motorists on ‘bin-collection’ day or similar times when a delivery vehicle is making a drop-off are relatively common occurrences in any residential area with no reason to believe that this would harm highway safety.

With regard the provision of an access from Kingfisher Way; this could result in an unwelcome ‘rat-run’ from Bridle Road through to Station Road that may have its own impacts. The provision of a pedestrian access may have merit and could be explored through the reserved matters. In any event the LHA are not saying that the provision of such a route is fundamental to an acceptable scheme in highway terms and that is not part of the proposal for consideration.

As such the concerns of the LHA have not been supported by their objection and relate to a preference for the way the site is delivered or otherwise relate to minor traffic related inconveniences that may be experienced at certain short-lived times.

Therefore the proposal is considered to be acceptable in highway terms.

5. Impact on flooding and sewerage provision
Policy 5 of the JCS, consistent with Chapter 10 of the NPPF states that development **should contribute towards reducing the risk of flooding and to the protection and the improvement of the quality of the water environment.**

To demonstrate compliance with this Policy the application was supported by a revised ‘Flood Risk Assessment’. This document and its measures have been accepted by the Lead Load Flood Authority subject to the imposition of a condition requiring the approval of a surface water drainage scheme prior to commencement of the development. As such and with no reason to come to a different view the proposal is considered to be acceptable on this matter.

6. Impact on ecology
Paragraph 99 of Circular 06/05 states that: **it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.** Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: **every public authority must in exercising its functions, have regard … to the purpose of conserving (including restoring / enhancing) biodiversity.**

On this issue the proposal was accompanied by an ‘Ecological Appraisal’ which
included the findings of an extended Phase I habitat survey. The Appraisal concluded that no further surveys are recommended due to the inherent mitigation provided within the proposal scheme. The conclusion does however recommend the approval of an ‘Ecological Management Plan’ in relation to the foraging of protected species and also to secure enhancement.

This supporting document has been considered by the County Ecologist and the Local Badger Group. Whilst the latter has concerns with regard the impact on foraging badgers the measures proposed and the findings of the studies have been accepted by the County Ecologist and thereby would not preclude development subject to conditions. As such the proposal would not result in an adverse impact to fauna, protected or otherwise, subject to the ecological recommendations in the submission and those recommended by NCC being applied by condition and being taken into account in the reserved matters layout.

Moving on to the impact of the proposal to trees and hedgerow; the proposal was accompanied by a ‘Tree Report’. Other than around its edges the development site has little notably flora. The hedgerow and some trees to its margins shall be retained as shown in the submitted ‘Landscape Strategy Plan’. As such the proposal subject to the provision of recommended root protection measures is acceptable.

As such the proposal would not result in harm to biodiversity, subject to the adherence to certain mitigation and safeguarding measures recommended in the reports that accompany the application. This will be ensured through condition. As such the proposal is considered to be acceptable in this regard.

7. Impact on heritage assets
Policy 2 of the JCS consistent with Chapter 12 of the NPPF seeks development to protect heritage assets which includes resisting the loss of archaeological remains.

There are no Listed Buildings or Conservation Areas close to or inter-visible from the site and no comments have been received from the County Archaeologist. Thereby the proposal is considered to be acceptable in this respect.

8. Impact of possible ground contamination
Policy 6 of the JCS, amongst other things and consistent with Chapter 11 of the NPPF seeks to make land safe from contamination.

The application was accompanied by a Phase I Environmental Risk Assessment which concluded that trial pits and testing is required to progress the development. As such through imposition of a condition to ensure that the proposal is carried out in accordance with the recommendations of the Assessment the proposal would not give rise to fears relating to possible contamination on site.

9. Sustainable buildings
Policy 9 of the JCS seeks to incorporate measures in all residential developments to limit water use to no more than 105 litres/ person/ day and external water use to more than 5 litres/ person/ day. Although limited information regarding water usage has been provided as part of this outline application, a suitably worded condition can ensure that detailed reserved matters applications will incorporate these
sustainability measures.

Policy 30 of the JCS also seeks new residential development to be constructed to meet Category 2 of the National Accessibility Standards with a proportion meeting Category 3 of the National Accessibility Standards. It is considered appropriate that a suitably worded condition is added to ensure detailed reserved matters applications are built in accordance to Category 2.

As such the proposal is considered to be acceptable in this regard insofar the requirements relate to an outline housing proposal.

10. Community infrastructure and affordable housing provision
In accordance with Policy 10 of the JCS the proposed development would be expected to off-set its impact to local services and infrastructure by making a financial contribution in a Section 106 legal agreement. The requests from responsible stakeholders are detailed above in section 4 of this report.

The applicants have indicated a willingness to provide financial contributions, by providing a Draft Heads of Terms for a Section 106 Agreement toward the following:

- Education
- 30% Affordable housing
- Open space and Community facilities
- Highways
- Health care
- Open to other contributions provided that they are viable and comply with CiL

There is no signed Section 106 Agreement in place, however, to secure these benefits. In the absence of this there is no assurance that the necessary infrastructure would be secured. As such the application is contrary to Policy 10 of the JCS that seeks the provision of mitigating infrastructure and Policy 30, which amongst other things, seeks to provide affordable housing in the interest of providing a housing mix and tenure.

11. Benefits
Given that the Council currently has no shortfall in housing supply (or delivery) there is not considered to be any substantial weight that should be given in favour of a proposal that contradicts the Development Plan.

The scheme would offer a number of social and economic benefits. These include the provision of direct and indirect jobs during the construction phase, housing and increased local spend by future occupiers. Some net ecological enhancement may also be applied although given that the proposal would develop a currently green site with foraging species any benefit in this regard is limited. As such the benefits attributed to the proposal whilst significant in terms of socio-economic benefits the weight afforded would not be more than some.

12. Planning Balance
The benefits that would accrue from the development are set out above and whilst some weight can be afforded to the economic and social dimensions of the NPPF,
this weight is not considered to be over-riding in any balance especially where there would be substantial environmental harm, in allowing unjustified development in the open countryside.

The development would also harm the character and appearance of the site, the surrounding area and the rural setting of the Town.

Importantly the Council can demonstrate over five years (5.7) plus a 5% buffer of housing land supply. As such there is no requirement to bring forward speculative developments, such as this, in unsustainable locations in a way that is not plan led and thereby contrary to the strategic aims of the Development Plan, to meet a housing need. Thereby there would also be conflict with the economic and social dimension of sustainability, which seeks to ensure, amongst other things, the delivery of land in the right place and at the right time. This particular matter must be given tilting weight in any balance.

Paragraph 8 of the NPPF makes it clear that the dimensions to sustainable development are mutually dependent. As such and having regard to policies in the NPPF, the significant short-comings of the scheme in all three dimensions (economic, social and environmental) despite some benefits, result in the firm view that the proposal cannot be considered sustainable development, especially in light of the Council’s current housing land supply position.

**Conclusion**

The application is recommended for refusal on the grounds that the proposed development would not accord with Development Plan Policy. These Policy documents seek to concentrate future development to the Boroughs Growth Towns, release of appropriately sized housing development sites, proportionate with their facilities in Market Towns whilst strictly controlling development in the rural areas in order to provide sustainable pattern of growth and to protect the intrinsic character of the countryside.

It is not considered that there are material planning considerations that would outweigh this conflict as the Council has over five years’ worth of housing land. In addition, the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits by reason of harm to the rural character of the area and failure to provide a signed legal agreement to secure community benefits.

The application is therefore also contrary to the NPPF and fails to demonstrate any valid exceptions to the presumption against residential development in this location, either by providing essential support for local services under threat or providing exception site housing to meet a locally identified need. The proposal is not supported locally or brought forward as a result of a neighbourhood plan through the government’s Localism Agenda. As a result the application is refused.

**Background Papers**

**Previous Reports/Minutes**

Title of Document:  
Ref:  
Date:  
Date:  
Contact Officer:  Sean Bennett, Senior Development Officer on 01536 534316
DO I NEED A MONITORING PRO-FORMA?

Form to be completed within “Communications” where any of the following questions are answered “YES”:

- Loss/gain of planning unit: YES
- Loss/gain floorspace (non-residential): NO
- Change of use for retail, leisure or employment: NO
- Renewable energy projects: NO