

BOROUGH OF KETTERING

Committee	Full Planning Committee - 29/04/2014	Item No: 5.1
Report Originator	Richard Marlow Development Officer	Application No: KET/2013/0750
Wards Affected	Burton Latimer	
Location	Bosworths Nurseries & Garden Centre, Finedon Road, Burton Latimer	
Proposal	Outline Application: Residential development for up to 69 no. dwellings with access	
Applicant	Mr S Bosworth	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

1. 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. 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.

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

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

6. 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

7. The development hereby permitted shall be limited to no more than 69 dwellings.

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

8. The dwellings hereby permitted shall be a maximum of 2.5 storeys in height.

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

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

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

10. Due to the previous potentially contaminative use of the site and 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 without the following investigation being carried out:

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 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

D. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 12 of the National Planning Policy Framework.

11. Prior to the commencement of development a scheme for the protection and retention of trees and hedgerows shall be submitted to and approved in writing with the Local Planning Authority.

REASON: To ensure the continuity of amenity value afforded by the trees in question and to ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems in accordance with the aims of policy 13(o) of the North Northamptonshire Core Spatial Strategy.

12. A Waste Management Strategy and Waste Audit shall be submitted to and approved in writing by the Local Planning Authority prior to construction of development.

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

13. Reserved matters for layout shall be accompanied by a Surface Water Drainage Strategy for the development. The development shall not be carried out other than in accordance with the approved strategy.

REASON: To reduce the impact of flooding on the proposed development and future occupants in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme including phasing, for the provision of mains foul sewerage infrastructure on and off site has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

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

15. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling, provision for water efficiency and recycling and demonstrate that at least 10% of the demand for energy will be met on site and renewable and/or from a decentralised renewable or low-carbon energy supply, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

16. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority. The Statement shall detail the following:

- i. the parking and turning of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- vi. wheel washing facilities;
- vii. measures to control the emission of dust and dirt during construction;
- viii. a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
- ix. design of construction access
- x. hours of construction work
- xi. measures to control overspill of light from security lighting

The approved method statement 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 highway safety and residential amenity in accordance with Policy 13 of the Core Spatial Strategy.

17. Prior to the commencement of development, a scheme detailing the security measures/standards to be incorporated within the development with reference to the ACPO 'Secured By Design' scheme shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: To reduce the potential for crime in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire

18. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The

development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

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

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

20. No development shall commence on site until details of a scheme for the storage of refuse and recycling within each plot has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

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

21. Prior to the commencement of development, a scheme for the provision of bat and bird boxes for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of maintaining and improving habitats and biodiversity in accordance with policy 11 of the National Planning Policy Framework and policies 5 and 13 (o) of the North Northamptonshire Core Spatial Strategy.

22. 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.

23. 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.

24. 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.

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.

Officers Report for KET/2013/0750

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2012/0785 Outline application for up to 30 dwellings with access.
Resolution to grant pending S106.

KE/95/0660 Existing retail buildings partially demolished – new retail glasshouse, tea room/demonstration area and new car park added
APPROVED 2/4/96

KE/92/0766 Remove existing cold frames and erect polythene canopy for frost protection and change of use of bungalow for temporary storage APPROVED
22/12/92

KE/91/0742 Approval of reserved matters residential development APPROVED
23/3/92

KE/88/1366 Outline for residential development APPROVED 9/2/89

KE/88/0108 Outline for residential development REFUSED 16/3/88

KE/87/1156 Outline for residential development WITHDRAWN 29/1/87

Site Description

Officer's site inspection was carried out on 6/12/2013. The site which measures 2.62 hectares in area comprises a garden centre and nursery that is located to the south of Burton Latimer, off Finedon Road. The eastern element of the site, comprising of the garden centre use, is located within the town boundary as defined by Policy 35 of the Local Plan. To the west is the garden nursery and open land, including a number of polytunnels that sits outside the settlement boundary. The site is bounded to the north and south by existing residential development and mature hedgerows to the west and south of the site.

Proposed Development

This proposal is an outline application for up to 69 dwellings with all matters reserved except access. The existing site access is proposed to be modified but will remain the single access point for the site.

Any Constraints Affecting The Site

C Road
Nene Valley NIA Boundary
Outside town boundary

4.0 Consultation and Customer Impact

Burton Latimer Town Council

No objection.

Highway Authority

No objection. Contributions of £69,000 to public transport and £31,050 towards public rights of way improvements sought. £16,000 contribution towards improvements to the Finedon Station Road/ A509 junction and a Travel Plan monitoring contribution of £5,000

Northamptonshire County Council – Development Infrastructure and Funding

Contributions required for:

- Primary and Secondary education on a dwelling size basis
- Fire £6,348 and a condition requiring a scheme for fire hydrant provision to be submitted.
- Library Services based on the size of dwellings provided

NCC – Archaeology

No objection. The area lay within a landscape which contains activity predominately of the Roman period and a condition to secure an archaeological programme of works is required.

Wildlife Trust

Object to the application on the grounds of lack of investigate effort in respect of the Burton Latimer Meadows Local Wildlife Site, no Green Infrastructure Assessment and the absence of any analysis of cumulative effects in an ecological sense. They have also requested a financial contribution of £100 per dwelling, towards an agreed in advance programme of off-site mitigation works to provide biodiversity enhancements.

Natural England

The proposal is unlikely to affect any statutorily protected nature conservation sites or landscapes and have directed the authority to national standing advice on protected species.

Would encourage the incorporation of GI into this development. The authority need to consider the impact on local wildlife sites and consider securing measures to enhance the biodiversity of the site for example the incorporation of roosting opportunities for bats or bird nest boxes.

Natural Development Officer

The site is located within the Nene Valley Nature Improvement Area and at this stage they are broadly satisfied with the proposed development design. Given the commercial nature of the garden centre site there is definitely scope for biodiversity gain. The Extended Phase 1 Habitat Survey includes some good recommendations for ecological enhancement, which they would like to see

incorporated into subsequent applications.

Environment Agency

Objection to original Flood Risk Assessment due to concerns regarding the adoption of the surface water pond and its outfall onto third party land outside of the application site. The applicants have submitted a revised FRA and signed Deed of Easement to address the issues raised and this has allowed the Environment Agency to remove their objection to the proposal.

Anglian Water

No objection. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Further details should be included as an informative on the decision notice should permission be granted.

NHS Primary Care

The development will result in 166 additional registrations. Burton Latimer Medical Centre is already operating at capacity. To increase capacity request a contribution based on build costs of £621 per dwelling.

Environmental Health

No objection subject to a full land contamination condition and a construction method statement.

Community Services

No objection. A total off site contribution of £68,456 is required for enhancing community infrastructure. This will be split as follows:- Public Open Space £3,576, Community Facilities £2,263 and Sports Facilities £62,617

The standard of the open space provided on site will need to comply with the 2008 adopted Open Space Supplementary Planning Document. The provision of open space will involve the payment of a commuted maintenance sum to cover maintenance costs for 15 years. If KBC are not to maintain this land, a comprehensive management plan will need to be included in the S106.

Housing

Support the 30% affordable housing proposed and have commented on the mix and type of housing that would be appropriate for the development.

Neighbours

4 third party representations received, objecting to the proposal on the grounds of:

- Loss of light and overshadowing.
- Overlooking and loss of privacy.
- Insufficient infrastructure capacity of doctors and schools in Burton Latimer. And Kettering General Hospital
- Imbalance between jobs and homes in Burton Latimer

- Traffic congestion on Hawthorn Road, Queensway, Hollow Wood Road
- Highway safety and access on to Finedon Road and the A509
- Housing should be low level, less than 3 storeys
- Disturbance caused during construction.
- Drainage and flooding issues.
- Burton Latimer has already exceeded its housing supply
- Loss of views.

5.0 Planning Policy

National Planning Policy Framework

Policy 4 – Promoting sustainable transport

Policy 6 – Delivering a wide choice of quality homes

Policy 7 – Requiring good design

Policy 8 – Promoting healthy communities

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

Policy 11 – Conserving and enhancing the natural environment

Policy 12 – Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

1 – Strengthening the Network of Settlements

5 – Green Infrastructure

6 – Infrastructure Delivery and Developer Contributions

7 – Delivering Housing

9 – Distribution and Location of Development

10 – Distribution of Housing

13 – General Sustainable Development Principles

14 – Energy Efficiency and Sustainable Construction

15 – Sustainable Housing Provision

Local Plan

7 – Protection of the Open Countryside

35 – Housing: Within Towns

39 – Housing: Affordable Housing

Policy RA5 – Housing in the Open Countryside

Emerging Plans

Joint Core Strategy

Site Specific Proposal LDD

Supplementary Planning Documents

Open Space, September 2008

Sustainable Design, February 2009

Biodiversity SPD

6.0 Financial/Resource Implications

Policy 6 (Infrastructure Delivery and Developer Contributions) of the North Northamptonshire Core Spatial Strategy requires that new development be supported by the timely delivery of infrastructure, service and facilities. Developers will either make direct provision or financial contributions towards the provision of local and strategic infrastructure required by the development alone or cumulatively or with other development.

The developer has agreed to the following S106 contributions requested, all of which meet the statutory tests set out in Regulation 122 of CIL; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

Section 106 Contribution:

- 30% affordable housing
- £3,576 for public open space
- Transfer of open space to KBC and commuted sum for maintenance
- £2,273 community facilities
- £62,617 sports facilities
- £31,050 rights of way improvements
- £69,000 public transport
- £16,000 Finedon Station Road and A509 junction
- Travel plan and £5000 towards travel plan monitoring
- £42,840.72 health care contribution
- £6,900 off site biodiversity enhancement
- 5% monitoring fee

The only requests that have not been secured as part of the development are the Fire and Rescue and Library contributions. These requests have been removed due to the lack of an evidence base to support these contributions in this instance and their inability to meet the tests set out in Regulation 122 of CIL.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Access and Highways
3. Design, Character, Appearance and Landscaping.
4. Landscape
5. Neighbouring Amenity
6. Affordable Housing
7. Contaminated Land
8. Waste
9. Flood Risk and Drainage
10. Ecology
11. Heritage Assets (Archaeology)
12. Sustainable Construction and Design

1. Principle of Development

The site is located to the south of Burton Latimer, off Finedon Road. The eastern element of the site, comprising of the garden centre use, is located within the town boundary as defined by Policy 35 of the Local Plan. To the west is the garden nursery and open land used for storage which includes a number of polytunnels that sit outside the settlement boundary

The eastern part of application site lies within the designated town boundary of Burton Latimer in accordance with policy 35 of the Local Plan for Kettering Borough and policies 1 and 10 of the North Northamptonshire Core Spatial Strategy (CSS). This eastern part of the site is subject to a planning application for 30 dwellings and access (KET/2012/0875) with a committee resolution to approve pending the signing of the S106. The site also previously had permission for residential (KE/88/1366) and some of the site was a committed housing site at the time of adoption of the Local Plan (1995) and is shown on the Proposals Map.

The CSS defines Burton Latimer as a 'Smaller Town', a secondary focus for development after Kettering (which is defined as a Growth Town) due to its relatively good level of services and public transport.

Policy 10 of the CSS sets an indicative housing requirement for Burton Latimer of 700 dwellings from 2001-2021. A recent appeal decision has considered the CSS housing figures as out of date, instead placing significant weight on those in the North Northants Interim Housing Statement (see below). Furthermore, housing permissions in Burton Latimer have exceeded the 700 dwellings as outlined in the CSS. Nevertheless, consideration is given to the following:

Policy 6 of the National Planning Policy Framework (NPPF) encourages use of land within existing settlements where future occupants can benefit from established amenities and public transport. Policy 9 of the Core Spatial Strategy (CSS) states that priority will be given to previously developed land and that this should provide for at least 30% of the overall housing requirements for North Northamptonshire. The eastern element of the site is on brownfield land and so would help to meet this objective. Whilst the west of the site is located outside of the town boundary of Burton Latimer as defined by policy 35 of the Local Plan for Kettering Borough and includes the garden nursery, it is recognised that in 2013 there was a resolution to grant planning permission for in excess of 40% of the current wider site, through application KET/2012/0785.

The present application has been through the statutory consultation process and no overriding planning constraints have been identified. The applicant has also indicated that the proposal is deliverable in the short term and is already exploring options for the relocation of the existing business that may provide opportunities for expansion. There is therefore a requirement to determine the application based on the information provided. It is considered that the wider scheme provides an opportunity to deliver a comprehensive scheme, including Sustainable Urban Drainage Systems and a coherent layout, compared with

that proposed through the original 2012 application. The scale of land outside of the settlement envelope is relatively small and set between residential land that is consented and land with a resolution to grant permission subject to the signing of a S106.

Whilst a proportion of the site is outside the boundary for the reasons examined here and recognising the plan led approach to be applied to sites still to be considered, development at the current application site would not prejudice the Council's need to

properly manage the supply of development land across the borough and the delivery of housing in Burton Latimer

The National Planning Policy Framework (NPPF) is a material consideration in the determination of any future planning application. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision making.

Taking account of the relevant planning history and the response of the Town Council, the sites sustainable location is recognised. The site is dissected by the town boundary and is located approximately 760 metres away from the edge of the town centre boundary, The site is also served by public transport with several bus services running past the eastern part of the site or from within the nearby town.

The proper approach is to consider this in relation to the Development Plan. Whilst the west of the site is outside the boundary of Burton Latimer, the Core Spatial Strategy is clear that the growth town of Kettering, followed by the smaller towns are the most sustainable locations for residential development: simply these have and can develop the wide range of services and infrastructure needed to support such managed growth.

Policies 1 and 10 of the North Northamptonshire Core Spatial Strategy identifies Kettering as a Growth Town where development will be principally developed, with the smaller towns (Burton Latimer, Rothwell and Desborough) providing a secondary focus for development, with limited development within the village boundaries and restricted development elsewhere. Policy 9 of the North Northamptonshire Core Spatial Strategy also states that preference for new development will be given to locations that are accessible by a choice of means of travel.

Policy 10 of the CSS sets out that Burton Latimer has an indicative housing requirement of 700 dwellings for the period 2001 – 2021. To date Burton Latimer has seen 628 dwelling completions, 77 dwellings are under construction, and it is estimated sites for a further 503 dwellings have planning permission. In the appeal at Hawthorn Road in Burton Latimer (KET/2009/0546) the inspector accepted that growth in Burton Latimer is an expected outcome of a strategy that involves concentrating development in a small number of settlements and restraining it elsewhere. It is considered that

the provision of a further 69 dwellings, of which approximately 30 are within the settlement boundary, will not give rise to significant adverse impact in Burton Latimer.

Work on the Core Strategy Review will revise the plan period in North Northamptonshire to 2031 and has been subject to early consultation. This emerging strategy is continuing with the growth town focus for development established in the adopted Core Spatial Strategy with the smaller towns including Burton Latimer continuing to provide a secondary focus for development to deliver the housing need in the area set out in the Interim Housing Statement. There will therefore continue to be a necessity to identify the most favourably sites across the borough to meet the identified housing need.

There is also new policy in the form of the emerging Site Specific Local Development Document (LDD). This document is afforded weight in the following regard: consultation undertaken to date, the draft policies and options within these documents support the development. It is a material consideration. In the Site Specific Proposals Local Development Document (LDD) Options Paper, the site relates well to existing facilities and is identified as a preferred option to meet housing requirements (Option 61, site BL/057). In this document the site is identified as having a yield of 84 dwellings. Since the consultation on this document, the Housing Allocations Assessment of Additional Sites and Update Paper was endorsed for consultation by Planning Policy Committee on 30th September 2013 this site was included as a potential housing site. This site is also identified and scores favourably in the North Northamptonshire Strategic Housing Land and Availability Assessment.

As indicated above, it is however important to recognise that the Authority does have a demonstrable 5 year supply of housing sites, (5YHLS) so there is no overriding imperative to grant permission for a lack of 5YHLS.

The April 2014 appeal decision for residential development on land to the rear of Glebe Avenue Broughton (KET/2013/0284) considered housing land supply within Kettering Borough. It concludes that the Interim Housing Statement produced by the Joint Planning Unit is a cogent, robust and up-to-date evidence base which represents an objective assessment of housing needs of the area. The Inspector concluded that the Council have demonstrated that a five year supply of deliverable housing land is available and paragraph 49 of the NPPF is not engaged. Therefore, the development plan policies are up-to-date and continue to attract due weight.

Delivery of housing is a nationally recognised priority and Burton Latimer is identified in the North Northamptonshire Core Spatial Strategy as a market town which will provide secondary focal points for development. The role of the higher order settlements in accommodating some growth is therefore recognised.

The development of the site for housing would require the loss of the site for employment/economic development use and the loss of retail floorspace. The

site is not located within the town centre or edge of centre which is the preferred location for A1 retail uses. There is a large supply of high quality employment land across the borough that will not be impacted by this proposal and the Borough continues to perform strongly in the creation of new jobs. As such the proposal will not have a harmful impact upon the supply and quality of employment land and jobs as a whole within Burton Latimer or Kettering Borough. There is therefore no conflict between the proposal and the objectives of CSS policy 11. Furthermore, the emerging Site Specific Proposals Local Development Document does not identify the site as an employment site to be safeguarded and indeed identifies the site as a potential development site.

In conclusion, the site is sustainable as an option for growth to a market town and therefore complies with the requirements of paragraph 14 of the National Planning Policy Framework which sets out the presumption in favour of sustainable development.

2. Access and Highways

Criteria b and n of CSS policy 13 requires that new development should not have an adverse impact upon the highway network or prejudice highway safety and have a satisfactory means of access in accordance with adopted standards. The applicant has submitted a Transport Statement to support the application. The modified access into the site as detailed on the submitted plans would provide access into the site and the indicative layout demonstrates that turning heads for large vehicles including refuse vehicles can be achieved within the site. The access would include a 6m carriageway with 1.8m footpath on either side.

Objections have been received regarding highway safety and traffic congestion caused by the development. The submitted Transport Statement considers the impact on the local high network and shows that Finedon Rd/Riverview roundabout and Higham Rd/Finedon Rd/High St mini roundabout continue to operate within capacity in the year 2026. There is however limited impact on the Finedon Station Road/ A509 junction and as such the applicant has agreed to provide a highway contribution of £16,000 which would mitigate this impact. The Highways Authority has been consulted on the application and no objections have been raised to the proposed development and access arrangement, which will be secured by condition.

The Transport Assessment and Travel Plan set out measures to encourage sustainable transport behaviour and contribute to the 5% modal shift target in policy 13 of the CSS. The Highways Authority have sought a contribution to public transport to support strategic bus services and infrastructure enhancements serving the western and south-western sides of Burton Latimer in accordance with policy 13 of the CSS and a contribution to ensure the effective monitoring and implementation of the Travel Plan.

The site lies adjacent to public footpath UA19 which runs from Finedon Road to the River Ise. Financial contributions have therefore been sought to upgrade the footpath to the west of Burton Latimer to provide enhancements to the local

access network. This is consistent with policy 4 of the CSS which requires enhanced local connections within North Northamptonshire.

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

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.

3. Design, Character, Appearance and Layout

Policy 7 of the NPPF and Policy 13(h) of the CSS both require that developments be of a high standard of design and architecture and respect and enhance the character of their surroundings.

The application is in outline form, with all matters except access reserved, however an indicative layout has been provided along with scale parameters which suggest a mix of house types ranging between two and two and a half storeys. The indicative layout demonstrates that 69 dwellings can be accommodated on site. This amount of development is considered appropriate to the size of the plot (net 2.19 hectares), resulting in a density of 32 dwellings per hectare, and to the character of surrounding residential areas to the north and south.

The following design parameters for the site are specified within the Design and Access Statement submitted with the application:

Height – Minimum 8.07m Maximum 8.80m (measured to ridge)
Width – Minimum 5.23m Maximum 9.61m
Depth – Minimum 5.89m Maximum 9.31m

The indicative layout is linear in form mirroring existing adjacent developments and includes the retention of the applicants existing dwelling at no. 112 Finedon Road. The design of the site is shaped by the size and shape of the site and constraints offered by surrounding development and the existing dwelling within the site which is to remain. The majority of the properties present a street facing orientation so as to provide an appropriate level of activity and visual interest from the highway. Two of the dwellings are orientated to face the access road providing a suitable design approach to what is the key gateway into the site

The illustrative street scenes include a mixture of detached, semi-detached and terraced properties, with detached rear garages and some undercroft parking. The dwellings would be of a modern style with a material palette to match the local form.

Design and layout are reserved for future consideration and subject to appropriate consideration during subsequent application, a high quality scheme of up to 69 dwellings within the scale parameters specified could be achieved

within the site. It is important that road layout, the illustrative positions for open spaces and built form are not taken as approved as these may change in any reserved matters that come forward. The Council will expect the principles of sustainable design to be demonstrated in detailed submissions.

The indicative layout includes a surface water balancing pond as part of the surface water drainage strategy and Local Area of Play as part of the on site open space provision. 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.

4. Landscape

The submitted Tree and Hedgerow Survey concludes that many of the trees and hedgerows on the site have landscape value and visual prominence in the area and the intention is to where possible accommodate these within the proposed scheme. It is proposed that a small number of low or medium quality trees will be removed to facilitate development together with one small section of hedgerow located in close proximity to the existing bungalow on site. A limited number of other individual trees, tree groups and hedgerows on and adjacent to the site will require protective measures. A condition to retain the important trees and hedgerows identified on site is recommended, along with tree and hedgerow protection measures during construction.

The applicant considers that landscaping can be used to soften any potential impact of the development including the presence of trees along the access road that will create a boulevard effect. The site is bounded on the north and south by existing residential development and is screened from the open countryside to the west by mature hedgerows which defined the west boundary of the site. Landscaping is not determined at this stage and therefore full landscaping details can be secured at reserved matters stage. However a condition requiring the landscaping of site, including the site boundaries, is recommended to ensure a satisfactory form of development and appropriate landscaping measures.

5. Neighbouring Amenity

The site abuts residential development along its northern and southern boundary and the proposed land use is compatible with the surrounding properties. The provision of up to 69 dwellings on the site will have some impact on traffic movements and activity from those currently generated by the existing garden centre and nursery use. A condition requesting a construction method statement will protect amenity by controlling the construction phase on the site ensuring amongst others that hours of work are restricted.

Again, the detailed design and layout of the buildings is not subject of consideration at this stage and the implications upon neighbouring occupants cannot therefore be fully considered in accordance with CSS Policy 13 until the Reserved Matters Stage. However, it is considered that suitable spacing and garden sizes can be achieved to protect the amenity of existing properties, subject to boundary treatments being secured by condition, in accordance with policy 13 of the CSS.

6. Affordable Housing

CSS policy 15 states that to deliver sustainable residential communities, a balanced mix of housing tenures and types should be provided. An identified need for 30% affordable housing will be sought.

The application proposes up to 69 dwellings of which 30% (21 dwellings) are proposed to be affordable. The Council's Housing Strategy team have advised that the provision should be split 60/40 social rented to shared ownership and 1 and 2 bedroom properties are in highest demand in the area. The location of the affordable units and the housing size would be approved at the reserved matters stage. The application has proposed 30% affordable housing and this meets the policy target and can be secured through a legal agreement.

7. Contaminated Land

The applicant has submitted a Phase 1 Environmental Risk Assessment to support their application. Environmental Health recommends the standard full contaminated land condition, to consider naturally occurring contaminants across Northamptonshire that can present a risk to human life. Subject to that condition the application is in accordance with policy 11 of the NPPF and policy 13 of the CSS.

8. Waste

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

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

The County Waste Authority have previously advised that a site specific Waste Audit and Waste Management Facilities Strategy are secured by condition. With the recommended condition, the application is considered to meet policies CS7 and CS8 and the adopted SPD.

9. Flood Risk and Drainage

Policy 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.

When determining planning applications policy 10 of the NPPF requires LPAs to ensure flood risk is not increased elsewhere (para 103). The site is in flood zone 1 and thus in an area of low probability of flooding. The NPPF Technical

Guidance states that in zone 1, developments should seek to reduce the overall level of flood risk through the layout and form of development and the appropriate application of sustainable drainage systems. Houses are an appropriate use in flood zone 1.

The applicant initially submitted a Flood Risk Assessment for the site which included a surface water drainage strategy including the provision of a balancing pond for the management of surface water. 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 Environment Agency objected to the FRA due to concerns regarding the surface water drainage strategy including the adoption of the pond and its maintenance and concerns regarding its outfall onto third party land outside of the application site. A revised FRA has been submitted and the objection to the application has been withdrawn subject to the imposition of conditions, one of which references the submitted FRA.

Whilst the revised FRA and deed of easement demonstrates an acceptable surface water drainage strategy, this application is in outline and therefore the layout of the scheme and surface water strategy may evolve through the submission of reserved matters. Therefore, conditions have been imposed requiring a scheme for surface water drainage and foul sewage infrastructure to be submitted and approved in writing by the Local Planning Authority.

Subject to the recommended condition the application is considered in accordance with policy 10 of the NPPF and policy 13(Q) of the CSS.

10. Ecology

The National Planning Policy Framework states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Significant harm from development should be avoided, mitigated or compensated for. This is echoed in the authorities Biodiversity SPD. Policy 13 (o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance biodiversity. The site forms part of the Nene Valley Improvement Area which aims to re-create and re-connect natural areas along the Nene and its tributaries from Daventry to Peterborough.

Submitted with the application is an Extended Phase 1 Habitat Survey, an Ecological Development Appraisal, a Reptile Survey and a Tree and Hedgerow survey which assess the potential for adverse impacts on wildlife and biodiversity.

These surveys found that mature hedgerows and trees on site are the habitats with highest ecological value and provide habitat for a range of species as well as enabling movement over the wider landscape. As a result the report recommends that these features are retained and managed appropriately to maintain and enhance their biodiversity value.

With reference to protected species the site was considered to offer suitable habitat for reptiles in 2012 based on the original phase 1 habitat survey which accompanied the previous application for the smaller garden centre site. The applicant has submitted a Reptile Survey to support this application which found no evidence of reptiles on site and concludes that grass snakes may occasionally pass through the site.

No badger setts or evidence of Badgers was found within the site during the survey although previous signs of activity in the adjacent woodland outside of the application site were noted in 2012. No evidence of Bats was visible and the habitat survey notes that the hedgerows and trees along the western boundary offer some suitable foraging habitat for bats and may be used by commuting bats.

The Habitat Survey sets out various mitigation measures which will need to be implemented to ensure that the ecological values of the site is preserved and mitigated.

The Wildlife Trust have objected to the application on the grounds of lack of investigate effort in respect of the Burton Latimer Meadows Local Wildlife Site, no Green Infrastructure Assessment and the absence of any analysis of cumulative effects in an ecological sense. They have also requested a financial contribution of £100 per dwelling, towards a programme of off-site mitigation works to provide biodiversity enhancements to the west of the application site which the applicant has agreed to.

The Burton Latimer Meadows Local Wildlife Site (LWS) lies to the south west of the site and is separated from the site by the public footpath UA19, the house at 112 Finedon Road which is to remain, and the mature hedgerow to the south of the site. The application site falls within the Ise Valley Green Infrastructure corridor as covered by policy 5 of the CSS. Policy 5 states that sub-regional GI corridors such as this will connect locations of natural greenspace for biodiversity or other environmental interest. The majority of the north, west and south of the wildlife site is surrounded by open countryside and remains connected for wildlife migration along the GI corridor, in accordance with the objectives of CSS policy 5. Local connections to the GI corridor are already apparent in this location through the existing footpath UA19 which links the Ise Valley corridor with Finedon Road and is to be improved through agreed financial contributions from the developer. The Phase 1 Habitat Survey considers the ecological impact of the proposed developed on Burton Latimer Meadows and including the potential risk for contaminants generated during the construction phase entering this site should no mitigation be undertaken. As such a Construction Method Statement is conditioned which requires details

of the storage of materials and the location of equipment during the construction phase. This will ensure that adequate distance from the LWS can be secured to reduce the risk of building materials and contaminants entering the wildlife site.

The Habitat survey recommends that careful consideration is given to the management of surface water to ensure that run-off generated from the site does not enter and contaminate the Local Wildlife Site. The applicant has submitted an indicative layout plan which includes Sustainable Urban Drainage Systems to manage surface water and these details can be secured through the drainage strategy condition. The Survey also highlights the importance of the hedgerow along the southern boundary of the site where it borders the LWS which should be enhanced with additional planting and maintenance to enhance the buffer between the LWS and the application site. Such improvements would form part of the landscape scheme which would be secured by condition.

The Wildlife Trust have raised concern that the application does not refer to Nene Valley Improvement Area (NVIA) nor does it look at the cumulative impacts of this development alongside other residential schemes in Burton Latimer have not been considered. However, 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.

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

11. Heritage Assets (Archaeology)

Policy 13 (o) of the North Northamptonshire Core Spatial strategy requires that developments conserve and enhance historic landscape designated built environment assets.

The County Archaeological Advisor states that the site is located within a landscape which contains activity predominately of the Roman period although the site has been subject to some form of disturbance due to the nature of the current development. It is recommended that a condition be imposed on any future planning permission securing the investigation and recording of any remains that would be affected, and this will ensure that the requirements of CSS policy 13 are met.

12. Sustainable Construction and Design

CSS policy 14(b) requires that for a development of this size, the development incorporate techniques of sustainable design and energy efficiency provide for waste reduction/recycling, water efficiency/recycling and should demonstrate at

least 10% of the demand for energy will be met on site or renewably. The applicant has submitted a Sustainability Statement and Energy Audit and a Sustainable Design SPD checklist to support their application.

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

Conclusion

The principle of development has been examined in accordance with the National Planning Policy Framework and Government priority for growth, to support housing proposals where they represent “sustainable development”. The understanding of sustainability follows a ‘plan led’ approach. The Development Plan, the Northamptonshire Core Spatial Strategy identifies growth in North Northamptonshire to Towns (in this case Kettering) and the smaller market towns as the most sustainable locations. Whilst still emerging, the Site Specific Local Development Document (LDD) is a material consideration. The LDD update identifies this “preferred” option as a potential housing site. Subject to the imposition of the recommended conditions, and the signing of a S106 legal agreement, the outline application is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Richard Marlow, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

