

BOROUGH OF KETTERING

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| Committee | Full Planning Committee - 08/11/2016 | Item No: 5.1 |
| Report Originator | Louise Holland Development Team Leader | Application No: KET/2016/0048 |
| Wards Affected | Queen Eleanor and Buccleuch | |
| Location | Cranford Road (land to rear of 30-50), Barton Seagrave | |
| Proposal | Outline Application: Residential development with associated infrastructure and open space. Access created by demolition of 44 Cranford Road with all other matters reserved | |
| Applicant | Ferguson Broadbent Developments | |

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

REASON: In order to secure a satisfactory development.

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

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

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

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

5. No demolition or development shall take place on site until a Demolition and 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 demolition and construction works unless otherwise agreed in writing by the Local Planning Authority. The Statement shall detail the following:

- Site HGV delivery / departure hours;
- Detailed routing plan;
- Supply of pre-journey information on routing and site restrictions to contractors, deliveries and visitors;
- Detailed plan and scheme detailing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning, un/loading points for plant and materials, turning and queuing for HGVs and storage of plant and materials;
- Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway, sheeting/sealing of vehicles and dust management;
- Site Manager name, contact details and details of any public liaison;
- Route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays;
- Details of temporary construction accesses and their remediation post project;
- Provision for emergency vehicles;
- Erection and maintenance of any security hoardings/fencing;
- Measures to control the emission of dust and dirt during demolition and construction;
- Scheme for waste minimisation and recycling/disposing of waste;
- Hours of demolition and construction work;
- Control of noise and/or vibration; and
- Details of lighting and measures to control overspill of lighting.

REASON: In the interests of highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

6. Prior to any other construction works commencing on site, the access shall be completed in accordance with the Proposed Access drawing 5374-30 Rev B received by the Local Planning Authority on 4th October 2016.

REASON: To ensure a safe and appropriate access that does not prejudice highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The gradient of the access road shall not exceed 1:15 for the first 5 metres behind the highway boundary.

REASON: To ensure a safe and appropriate access that does not prejudice highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to any works commencing, including on the site access, a scheme for the relocation of the westbound bus stop shall be submitted to and approved in writing by

the Local Planning Authority. The scheme shall include the new location and design details.

REASON: In the interests of sustainable access to the site and highway safety in accordance with Policy 8 North Northamptonshire Joint Core Strategy.

9. Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out.

Development on land affected by contamination:

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

A. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

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

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

D. Reporting of Unexpected Contamination

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

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

REASON: Contaminated land investigation is required prior to the commencement of development 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 11 of the NPPF and Policy 6 of the North Northamptonshire Joint Core Strategy.

10. The development shall not be carried out other than in accordance with the conclusions and recommendations of the Extended Phase 1 Habitat Survey by REC Ltd (REC Reference: 60523p1r1) dated June 2015 and received by the Local Planning Authority on 22nd January 2016 and the letter entitled 'Further Information

Statement - Ecology' reference No. 01p60523 dated 31st March 2016 and received by the Local Planning Authority on 4th April 2016.

REASON: In the interests of protecting ecology in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

11. Prior to the demolition of No. 44 Cranford Road, a bat and bird survey shall be completed and submitted to and approved in writing by the Local Planning Authority together with details of any required mitigation measures and timing of implementation of these measures. The development shall not be carried out other than in accordance with the approved details and mitigation.

REASON: In the interests of protecting ecology in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

12. Prior to commencement of development, a badger survey shall be completed and submitted to and approved in writing by the Local Planning Authority together with details of any required mitigation measures and timing of implementation of these measures. The development shall not be carried out other than in accordance with the approved details and mitigation.

REASON: In the interests of protecting ecology in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

13. No works or demolition shall take place on site unless and until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority, the implementation of which should be overseen by a suitably experienced ecological clerk of works. The development shall not be carried out other than in accordance with the approved Ecological Management Plan.

REASON: To protect ecology and secure a net gain in biodiversity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

14. Reserved matters applications for layout and/or landscaping shall be accompanied by scheme for the retention and removal of trees, hedges and hedgerows on site. The scheme shall include a plan and schedule in accordance with BS 5837: 2012 (or as updated).

REASON: To ensure the continuity of amenity afforded by existing trees, hedges or hedgerows and in the interests of ecology in accordance with policies 4 and 8 of the North Northamptonshire Joint Core Strategy.

15. No development shall take place on site until a scheme for the protection of all trees, hedges and hedgerows to be retained on site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with BS 5837:2012 (or as updated). The development shall not be carried out other than in accordance with the approved details.

REASON: Details for the protection of trees, hedges and hedgerows are necessary prior to the commencement of development to ensure the continuity of amenity afforded by existing trees, hedges or hedgerows and in the interests of ecology in accordance with policies 4 and 8 of the North Northamptonshire Joint Core Strategy.

16. Prior to commencement of development a foul water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings

shall be occupied until the works have been carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.
REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

17. No development shall take place until a surface water drainage scheme for the site, based on the approved Flood Risk Assessment (Flood Risk Assessment, Document 5374R001/B FRA, Revision B dated October 2016, prepared by BCAL Consulting), has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling the approved scheme shall be implemented and retained in the approved state thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

18. Prior to first occupation of any dwelling, a drainage scheme shall be implemented, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority, to ensure that surface water does not drain into the Public Highway including private access drives. The approved scheme shall thereafter be maintained in the approved state.

REASON: To ensure the satisfactory means of surface water drainage and prevent discharge onto the highway in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

19. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance scheme shall be carried out in full thereafter prior to the occupation of residential units, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

REASON: In order to ensure that the drainage system associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

20. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work 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 that features of archaeological interest are properly examined and recorded in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy and Paragraph 141 of NPPF.

21. Reserved matters for layout and/or external appearance shall be accompanied by a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units. The approved scheme shall be implemented before occupation of the residential units and thereafter maintained in the approved state.

REASON: In the interest of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

22. Prior to the commencement of development a scheme to protect the residential units from road vibration shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of residential units hereby approved and thereafter maintained in the approved state.

REASON: In the interest of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2016/0048

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the application requires an agreement under s.106.

3.0 Information

Relevant Planning History

No relevant planning history for the site. The Hanwood Park Sustainable Urban Extension (SUE) and the Roxhill development (both committed with works underway) have a locational relationship with the site.

Site Description

Officer's site inspection was carried out on 22nd March 2016. The site comprises part of the rear residential gardens of properties 30-50 Cranford Road, which are found on the southern side of Cranford Road in a linear pattern. The site is outside of any settlement boundary and therefore is within the open countryside. Cranford Road links Barton Seagrave (to the west of the site) with the village of Cranford. This part of Cranford Road has a 40 mph speed limit at this time. No. 44 will be demolished to form the access into the site which lies behind. There are two lay-bys, one of which contains a bus stop, which are positioned either side of the proposed site access. The dwellings on this part of Cranford Road have variety in their scale, design and style including roof type and materials.

The site area is approximately 2.4 hectares and appears to be of a relatively consistent level. Given the residential nature and different ownerships of the site, there is a variety in the habitats present and management of the land. For example, some parts of the site are short mown lawns whilst others have tall growth with mature/semi-mature trees. There is also a mixture of boundary treatments dividing the gardens which are of varying heights and include some hedgerows of different species. A pond (proposed for retention) is located within the site in the rear garden of No. 48. There are also some small scale residential outbuildings present. Other residential gardens of neighbouring properties will directly abut the site.

Whilst land surrounding the site is agricultural in character, in time the Hanwood Park SUE will surround the site with residential parcels to the south and west (R23-R26) and open space directly to the north, on the northern side of Cranford Road (FOS3). The A14 runs to the south of the site beyond parcel R25. To the south of the A14 lies the Roxhill business park which is a committed site; that site has an extant outline consent and features within the JCS. Section 278 highway works in association with that site are currently taking place.

Proposed Development

The application is seeking outline planning permission for residential development with associated infrastructure and open space. Access will be provided by demolishing No. 44 Cranford Road.

Any Constraints Affecting the Site

Beyond settlement boundary.

Cranford Road – C Road

4.0 Consultation and Customer Impact

Responses received are summarised below.

Cranford Parish Council

Broad support for the application subject to the following:

- Pond needs to be retained – wildlife feature/water retention.
- Entrance to development could be enhanced by tree planting.
- Reinforced tree planting/vegetation along A14 to help reduce noise to residents.
- Affordable housing should be intermixed.
- Sustainable codes should be reinforced.
- There may be an issue with increased traffic onto Cranford Road.

Highway Authority

The amended access with the removals of lay-bys and 2.4m x 120m visibility is acceptable. Contribution required towards enhancement of bus services. Conditions are recommended.

Highways England

No objection.

NCC - Development Management

Contributions/planning obligations requested towards education, fire and rescue, libraries and broadband.

NCC – Archaeology

A condition for an archaeological programme of works is recommended.

NCC - NIA Project Officer

Further to additional information received, the Project Officer is content for the Ecological Clerk of Works to deal with any issues that arise during the build.

Anglian Water

Conditions are recommended.

Lead Local Flood Authority (LLFA)

Having reviewed an amended Flood Risk Assessment, the LLFA recommends conditions are attached to any outline planning permission.

North Northants Badger Group

No objection. Recommends that the site is re-surveyed prior to any development commencing and code of practice is followed during construction works. LPA should consider how development could impact on the long-term mitigation agreed for East Kettering.

Wildlife Trust

Extended Phase 1 Habitat Survey is acceptable and satisfactory. Conditions should be imposed. Recommendations of this report should be secured by condition. The area where the dwelling will be demolished should be surveyed before any development commences.

Crime and Prevention Design Advisor

No comment on the outline proposal. Advice given on what needs to be addressed/ considered by developer in future reserved matters.

KBC - Environmental Health

No objection subject to conditions/informatives regarding contamination, demolition and construction method statement, noise and vibration protection.

Neighbours

6 letters of objection have been received from third parties. The grounds of objection are summarised below.

- Traffic and congestion; this will become worse with development at Hanwood Park.
- Application does not address the issues of increasing traffic associated with the SUE and existing accesses on Cranford Road.
- Removal of lay-bys will cause buses to be on the road and lead to blockages on the highway. Lay-bys also used for deliveries and parking.
- Access should be through parcel R25 of the SUE; other SUE parcels can be served without needing further accesses onto Cranford Road.
- Another junction on Cranford Road close to existing bridleway, the new school access and future crossroads of the SUE will increase the hazard on the highway.
- Site address query.
- Noise.
- Trees and greenery to be removed.
- Loss of privacy and security compromised.
- Adverse impact on character.
- Development above two storeys will be out of keeping and intrusive.
- Sewage system unable to cope.
- How will surface water be dealt with?
- Site is rich in wildlife.
- Hanwood Park SUE will provide sufficient housing.

5.0 Planning Policy

National Planning Policy Framework

Core Principles

6 – Delivering a Wide Choice of High Quality Homes

7 – Requiring Good Design

11 – Conserving and Enhancing the Natural Environment

12 – Conserving and Enhancing the Historic Environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

- 1 – Presumption in Favour of Sustainable Development
- 4 – Biodiversity and Geodiversity
- 5 – Water Environment, Resources and Flood Risk Management
- 6 – Development on Brownfield Land and Land affected by Contamination
- 8 – North Northamptonshire Place Shaping Principles
- 11 – The Network of Urban and Rural Areas
- 13 – Rural Exceptions
- 29 – Distribution of New Homes

Local Plan

- 7 – Protection of the Open Countryside
- 35 – Housing: Within Towns
- RA5 – Rural Area: Housing in the Open Countryside

Emerging Policies

Part 2 Local Plan – housing site allocations

6.0 Financial/Resource Implications

A Section 106 is required to secure contributions towards infrastructure and a percentage of affordable housing. Please see section 7 of this report for detail.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Residential and Policy Considerations
2. Access, Highway Safety and Required Highway Infrastructure
3. Drainage
4. Ecology
5. Residential Amenity
6. Future Reserved Matters
7. Section 106

1. Principle of Residential and Policy Considerations

The site lies between the eastern edge of Kettering and the village of Cranford. The site is positioned outside of any settlement boundary and is therefore within the open countryside. Saved Policy 7 of the Local Plan restricts development in these locations except where otherwise provided for in that plan. Saved Policy RA5 sets out that housing in open countryside will not be granted unless specific exceptions are met. Policy 11, 13 and 29 of the Joint Core Strategy (JCS) are also relevant to the location and distribution of new homes. Generally new residential development in the open countryside is

resisted. The site is also garden land, which does not fall within the brown-field land definition in the NPPF. Paragraph 53 of the 'Framework' states that LPAs should consider setting policies which resist *inappropriate development of residential gardens...where development would cause harm to the local area.*

Policy 1 of the JCS sets out that when considering development proposals Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Whether the development constitutes sustainable development is a key material consideration in this application.

A site has a locational relationship with the Hanwood Park SUE and the Roxhill development, a committed employment site to the south of the A14.

The Hanwood Park SUE will surround the site to the north, south and west. Development has commenced in respect of the Deeble Road/Warkton Lane access, the David Wilson Homes/Barratts site and infrastructure including strategic drainage works. A primary school accessed off Cranford Road has also been delivered. Other parcels are also progressing but are yet to deliver units. The Taylor Wimpey site, parcel R19, has reserved matters consent.

Development has not yet commenced on parcels adjacent to the site, parcels R23 and R26 (the Persimmon site). There is a resolution to approve a reserved matters scheme subject to the completion of a legal agreement. As a result, at this current time the character of the area surrounding the application site largely remains in agricultural use within open countryside. As set out above the policies within the Development Plan and the NPPF do not support isolated new dwellings within open countryside as this is intrinsically unsustainable. However, the fact that there will be a Sustainable Urban Extension (SUE) which will surround the application site is a material consideration which has substantial weight. As the parcels adjacent to the site are delivered and the district centre comes forward, the site will no longer be considered a remote rural location. The key issue in this application therefore is the timing of the delivery of this site in relation to the adjacent SUE.

Hanwood Park remains a committed site with delivery underway. This will continue over the plan period, and over time the application site will no longer be an isolated housing development within countryside. Access to services will enhance significantly as will access to employment; the Roxhill development is currently underway with strategic Section 278 highway works being implemented at this time and a reserved matters application pending with the LPA. The character of Cranford Road, off of which the site will be accessed, which will change significantly over time with the development of the SUE including the Persimmon site and key highway linkages in the short-medium term. This again is a material planning consideration which is afforded substantial weight.

The Roxhill Development south of the A14 will also alter the character of the surrounding area and enhance access to employment.

In parallel to the application process, the site is also being considered within the Part 2 Local Plan site allocations work and is identified as KE/154. It is recognised that a planning application has been submitted and is being considered and progressed to Planning Committee.

It is considered that the delivery of this site will provide, in the longer-term a sustainable form of development which outweighs the initial short term impacts arising from the site's current rural location outside of the existing settlement boundary.

The principle of residential development is therefore considered acceptable as there are significant material planning considerations, as identified above, which outweigh the policy presumption against development within the open countryside.

2. Access, Highway Safety and Required Highway Infrastructure

Policy 8(b) of the JCS seeks development to have satisfactory means of access and provision for parking and manoeuvring. Developments should not prejudice highway safety.

The application proposes to demolish No. 44 Cranford Road and use this as the point of access into the site. The Local Highways Authority (LHA) has been consulted on the application. Revisions have been made to the scheme further to initial comments received; the design of the point of access has been amended and is now considered to be acceptable. As part of these access works, the LHA has required the removal of the lay-bys close to the point of access for visibility. This is identified on the amended access drawing (contained in the agenda papers). Any works in the highway will also need separate agreement with the LHA. A neighbouring occupier has raised a concern that this will necessitate buses stopping on the carriageway which will be harmful to the flow of traffic and could cause safety issues. One of the lay-bys does include a bus stop and therefore there is a need for this to be relocated. A scheme for the relocation and design of the bus stop will be required by planning condition prior to their closure.

The LHA have also requested a financial contribution to bus services and a number of planning conditions including the provision of a westbound bus shelter. In this case the LPA and applicant have agreed that the development will contribute to the wider infrastructure, including off-site highway works, required by the Hanwood Park SUE through the payment of a 'roof charge'. It is considered by Officers that payment of the 'roof charge' in addition to condition securing the access works in accordance with the approved plan and a scheme for the relocation of the bus stop will mitigate the impacts of this development.

3. Drainage

Policy 5 of JCS considers the water environment and flood risk management. Development should contribute to reducing the risk of flooding and ensure that infrastructure is available.

An amended Flood Risk Assessment has been submitted (to address comments received during the application process) and this has been reviewed by the Lead Local Flood Authority (LLFA). The LLFA have found the assessment to be acceptable and raise no objection subject to conditions securing a surface water drainage scheme and maintenance details. Anglian Water has also reviewed the scheme, the supporting documents submitted and its relationship to the SUE. Anglian Water raise no objection subject to a condition securing a foul drainage scheme.

4. 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.*

JCS policy 4 sets out that existing biodiversity assets will be protected and ecological networks enhanced. The approach is supported by the NPPF.

There are no statutory designations within 1km of the site. Three non-statutory sites, which are potential wildlife sites, are found within 1km of the site. The development will not harm these areas.

The outline application is supported by an Extended Phase 1 Habitat Survey and additional information, responding to initial consultation comments. The site supports a range of habitats as indicated in the site description; there is a pond in the garden of No. 48 which is proposed for retention as are a number of trees. The Wildlife Trust, North Northants Badger Group and the Nene Valley Improvement Area Project Officer have all assessed the information submitted and provided comments. Subject to a number of conditions it is considered that the development of the site will not harm biodiversity and there is an opportunity for enhancement. The recommended planning conditions include securing the recommendations of the completed survey report, an ecological management plan overseen by a clerk of works and some additional survey work before works commence. It is also considered that full details of tree retention and removal should be submitted with reserved matters applications to ensure that it is fully considered what trees/hedgerows are suitable for retention and their location within the site design.

5. Residential Amenity

JCS Policy 8 identifies that development should ensure quality of life and safer and healthier communities 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 and also by preventing both new and existing development from contributing to or being adversely affected by

unacceptable levels of soil, air, light, water or noise pollution or land instability. The core planning principles and policies of the NPPF support this approach.

The current application is for outline permission with only access to be determined at this stage. It is considered possible to develop the site without harming the living conditions of neighbouring occupiers. The detailed design will be controlled through future reserved matters applications, ensuring that the development does not result in detrimental impacts such as loss of light, loss of privacy or overbearing built form. These 'reserved matters' applications will for example set out the route, character and appearance of any internal streets(s) and the positioning, layout, scale and external appearance of houses (which will include location of windows and other openings). It is acknowledged that there will be a change to the character and appearance of the site however it is considered that an appropriate relationship between the new development and existing occupiers can be achieved. Reserved matters will be consulted on and there will be an opportunity for neighbours and other parties to comment on the detailed design. The development of the site is considered to leave sufficient rear garden space for the properties on Cranford Road.

A condition will be applied to secure a contamination investigation prior to any development commencing, in accordance with Policy 6 of the JCS.

6. Future Reserved Matters

Access is the only matter to be determined as part of this outline planning application. Layout, scale, external appearance and landscaping are reserved matters which would need to be submitted and approved prior to any works commencing on site. An indicative layout plan has been submitted to show how the site could be developed in the future and demonstrate how the dwellings could be accommodated on site. This however is for information only and has not been considered as part of this outline application. It is recommended that an informative be added to any outline consent to emphasise the Hanwood Park SUE, with which this site has an important relationship, is subject to an approved Design Code. The development on this site should respect the Barton character area and its key development principles. It should also seek to connect and integrate with the wider Hanwood Park. It is however important the scale of the dwellings considers the relationship with existing neighbouring dwellings with respect to character, appearance and amenity.

7. Section 106

The development will have impacts that require mitigation and the site must contribute to the wider infrastructure upon which it will rely. Given the relationship between the site and the SUE, the same approach has been adopted; the applicant has agreed in principle to a roof charge of £15,250 per market dwelling (as agreed for Phase 1 parcels of the SUE) and 20% on-site affordable housing. The agreement is currently being drafted.

Conclusion

It is considered that the delivery of this site will provide, in the longer-term a sustainable form of development which outweighs the initial short term impacts arising from the site's current rural location outside of the existing settlement boundary. The principle of residential development is therefore considered acceptable as there are significant material planning considerations which outweigh the policy presumption against development within the open countryside. Access is the only matter to be considered at this stage and is acceptable subject to planning conditions and securing contributions via the roof charge and legal agreement. Future reserved matters for layout, scale, external appearance and landscaping would need to be submitted and approved prior to any works commencing on site.

Background Papers

Title of Document:

Date:

Contact Officer:

Louise Holland, Development Team Leader on 01536
534316

Previous Reports/Minutes

Ref:

Date: