BOROUGH OF KETTERING

| Committee | Full Planning Committee - 17/07/2012 | Item No: 5.3 |
|------------|---|-----------------|
| Report | Louise Haggan-Craig | Application No: |
| Originator | Development Officer | KET/2012/0170 |
| Wards | Burton Latimer | |
| Affected | | |
| Location | White Lodge Farm (land at), Higham Road, Burton Latimer | |
| Proposal | Outline Application: 26 no. dwellings | |
| Applicant | Grace Homes Ltd | |

1. <u>PURPOSE OF REPORT</u>

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

2. <u>RECOMMENDATION</u>

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

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance 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 in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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 take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor

levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

6. Before the development hereby permitted is begun, a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) or any subsequent version) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.

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

7. 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 and provision for water efficiency and recycling 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: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

8. 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.

9. No development shall take place on site until details of the width, alignment, gradient, sight lines and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced, or buildings occupied, whichever is the sooner. REASON: To ensure that the roads are constructed to a satisfactory standard in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

10. No development shall take place until a scheme to address ecological interests within and in the vicinity of the site in accordance with the 'Conclusions and Recommendations' of the submitted report 'Ecological Survey Report' (January 2012) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation of the proposed measures. Thereafter, the scheme shall be fully implemented in accordance with timetable approved.

REASON: To protect ecological interests within the site in accordance with policy 13 of the CSS.

11. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme indicating the positions, design, materials and type of footpath improvements and screen walls and fences to be erected. The buildings shall not be occupied until the scheme has been fully implemented in accordance with the approved details and retained thereafter.

REASON: In the interests of the privacy of the occupiers of proposed and existing residential properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. No development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to occupation of any dwelling hereby approved.

REASON: To prevent an increased risk of flooding to the site and surrounding area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. No development shall take place until a scheme, including phasing, and future management and maintenance arrangements, for the provision of mains foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to occupation of any dwelling hereby approved.

REASON: To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of appropriate water infrastructure in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. Any future reserved matters applications shall include a noise assessment together with a detailed scheme for the sound insulation of the proposed residential development to mitigate the impact of noise, including vibration, from the nearby A6 Bypass to be submitted to the Local Planning Authority for approval. The approved scheme shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. The scheme and any required works shall thereafter be maintained in accordance with the approved details.

REASON: To protect residential amenity in accordance with Policy 2 of the East Midlands Regional Plan and Policy 13 (I) of the CSS for North Northamptonshire.

15. No development shall commence on site until details of measures to be taken to prevent spoil or mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully implemented before the development commences and shall be retained for the duration of the construction period.

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

16. Prior to the commencement of development a stopping/diversion order for footpath UA8 shall be in place. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To ensure that existing public rights of way are not detrimentally impacted on by the proposed development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

17. Prior to commencement of development a scheme of highway improvements to Higham Road shall be submitted to and approved by the local planning authority. The

scheme shall include details of the extension and relocation of the existing 30 mph zone along Higham Road. The scheme shall be implemented as approved prior to the occupation of any dwelling and retained thereafter.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

18. 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 be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must be produced.

(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 (referred to in PPS23 as a validation 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 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

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

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Policy 6, 7 and 11 of the National Planning Policy Framework, Policies 1, 2, 45 and 46 of The East Midlands Regional Plan, Policies 1, 6, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy, and Policy 35 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2011/0030 – Reserved Matters for 248 dwellings and associated works – APPROVED (Adjacent site).
KET/2009/0493 - Erection of 14 no. dwellings and associated parking – APPROVED (Adjacent site)
KET/2008/0884 - 14 no. dwellings with associated parking – REFUSED (Adjacent site)
KET/2007/0559 – Outline for 248 dwellings and associated works – APPROVED (Adjacent site).

Site Description

Officer's site inspection was carried out on 19th June 2012.

The application site is situated to the rear of a parcel of land which fronts onto Higham Road and benefits from extant permission KET/2009/0493 for 14 dwellings. The land to which this application relates comprises redundant agricultural buildings on farmland within the settlement boundary of Burton Latimer as defined by the proposal map within the Local Plan for Kettering Borough.

The application site has a gently sloping east-west gradient and is roughly 'L' shaped. To the east of the site the land extends towards the boundary with the A6 bypass beyond which lies the Burton Wold Wind farm and open countryside. To the west and north, the application site adjoins a piece of land which is currently under construction for residential development comprising 248 dwellings (ref KET/2007/0559 and KET/2011/0030).

Proposed Development

This proposal is an outline application for 26 dwellings with access as a consideration and all other matters e.g. appearance, layout, landscaping to be reserved.

Any Constraints Affecting The Site

C Road Public Right of Way

4.0 Consultation and Customer Impact

Burton Latimer Town Council

Response received 25th May 2012. No objection subject to a full assessment of the junction with Higham Road due to a bend in the road blocking views onto the exit with the A6 bypass. We strongly suggest that the 30mph sign is extended past the application site closer to the A6 bypass for vehicles entering Burton Latimer.

Kettering Borough Council - Environmental Health

No objection but recommend a contaminated land investigation condition should the application be approved.

Northamptonshire County Council – Waste and Minerals

Response received 16th May 2012.No objection but recommend conditions in relation to a waste management facilities strategy and waste audit.

Highway Authority

Response received 2nd May 2012.

- There is a public footpath UA8 which runs through the site and will need diverting permanently. It is recommended that the diversion follows one of the estate road footways.
- Some of the layout properties appear to be closer than 1 metre from the back of the footway which is the minimum recommended set back distance.
- The turning head appears to be a little under dimension in order to enable refuse collection vehicles to manoeuvre.
- Units 15-17 are a concern from a visibility safety perspective.
- As part of any reserved matters application 2.4m x 2.4m pedestrian visibility splays will need to be provided on every private drive.
- Garage doors should be set back 5.5m from the back of the footway.

Environment Agency

Response received 9th May 2012. No objection. Recommend a condition in relation to foul water drainage .

Anglian Water

Response received 3rd May 2012. Recommend conditions in relation to the foul sewerage network and surface water disposal.

Northamptonshire Wildlife Trust

Response received 10th May 2012. No objection but recommends biodiversity retention, protection, enhancement and mitigation measures as per the findings of the Ecological Survey Report submitted with the application.

Northamptonshire Police

Response received 1st May 2012. No objection other than to suggest a scheme for security measures in order to reduce the likelihood of crime and antisocial behaviour.

Northamptonshire County Council - Archaeology

Response received 1st May 2012. The proposed development will have an impact upon any archaeological deposits present. However, this does not represent an over-riding constraint on the development provided that provision is made for the investigation and recording of any remains that are affected. A condition is therefore recommended for an archaeological programme of works if the application is granted.

Northants Badger Group

Response received 24th April 2012. No comments.

Neighbours

No comments received to date.

5.0 Planning Policy

National Planning Policy Framework (NPPF)

Policy 6 – Delivering a Wide Choice of High Quality Homes Policy 7 – Requiring Good Design Policy 11 – Conserving and Enhancing the Natural Environment

Development Plan Policies

East Midlands Regional Plan

Policy 1 – Regional Core Objectives Policy 2 – Promoting Better Design Policy 45 – Regional Approach to Traffic Growth Reduction Policy 46 – A Regional Approach to Behavioural Change

North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the Network of Settlements

- Policy 6 Infrastructure Delivery and Developer Contributions
- Policy 9 Distribution and Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

Local Plan

Policy 35 – Within Towns

Emerging Policies (Local Development Framework)

Site Specific Proposals Document – Options Paper Consultation March 2012

6.0 Financial/Resource Implications

Section 106 obligations required towards:

- Education.
- Highways and Public Transport.
- Open Space and Community Facilities.
- Libraries.
- Fire and Rescue Service.
- Affordable Housing.

7.0 Planning Considerations

The key issues for consideration in this application are:-

- 1. Principle
- 2. Access
- 3. Amenity
- 4. Environmental Matters
- 5. Flooding and Drainage
- 6. Ecology
- 7. Sustainable Construction and Design
- 8. Planning Obligations

1. Principle

The Development Plan for Kettering Borough currently consists of the North Northamptonshire Core Spatial Strategy (CSS) adopted in June 2008, the East Midlands Regional Plan adopted March 2009 and saved policies from the Local Plan for Kettering Borough.

Policy 1 of the East Midlands Regional Plan requires the delivery of sustainable development within the East Midlands through regional core objectives one of which includes ensuring that the existing housing stock and new, affordable and market housing address need and extend choice in all communities within the region.

The CSS provides the spatial vision for North Northamptonshire and outlines the need to deliver quality housing and jobs alongside infrastructure, services and facilities. It aims to achieve greater self sufficiency for North Northamptonshire by directing development principally to the urban core which comprises the three Growth Towns of Corby, Kettering and Wellingborough and smaller towns such as Burton Latimer. Table 5 of the CSS provides indicative minimum housing requirements for settlements within North Northamptonshire. Between 2001 and 2021 Burton Latimer is shown to accommodate 700 dwellings. Figures collected by the Council up to the end of March 2010 confirm that the total completions and outstanding consents for Burton Latimer exceed the 700 dwellings indicative requirement despite only being half way through the period.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 states that where a proposal accords with the Development Plan it should be approved without delay. This is an important material planning consideration and should be afforded significant weight in favour of granting planning permission.

Although the indicative minimum requirement for housing provision for Burton Latimer has been exceeded, recent planning appeal decisions have shown that there is no evidence to suggest an overprovision of dwellings would be detrimental to the town, its infrastructure or facilities. It was concluded that the range of services, facilities, public transport and other infrastructure serving the town were adequate to support the development subject to developer obligations being secured through a Section 106 obligation. A Section 106 agreement is proposed for this development which provides contributions towards education, local highway improvements, open space facilities, fire and rescue, libraries and a 5% monitoring fee. The proposal also includes 30% affordable housing provision on site with a tenure split on a 60/40 basis Rent/Shared Ownership.

The application site is contained within the defined settlement boundary for Burton Latimer as shown on the proposal map within the Local Plan for Kettering Borough. Saved Policy 35 of the Local Plan clearly states that planning permission will be granted for residential development within towns as defined by the proposals map.

2. Access

This is an outline application with all matters reserved except for access. Details of the proposed access for this development have been submitted as part of the application requirements. Due to the location and shape of the site there are constraints with respect to layout and access considerations.

The land to the front of the site has the benefit of planning permission for 14 dwellings and includes a new junction with Higham Road on the line of an existing farm access. The proposed access for this development is a continuation of this access and the Transport Statement submitted with the application concludes that a simple access junction is suitable to serve both developments.

A public footpath (UA8) runs through the site and this will need to be diverted in order to allow for the development. It is proposed that the footpath follow one of the estate road footways and it is considered that it could be incorporated within the proposed layout. A condition will be included requiring that Footpath UA8 is diverted by Order under Section 257 prior to occupation of any of the dwellings on the site. It is deemed imperative that the footpath is utilised and provides a pedestrian link to the adjacent development along Higham Road in order to take full account of the transport user hierarchy of pedestrian – cyclist – public transport – private vehicle. This will help provide a route for pedestrians into the town centre by means of footpath connectivity and linked development. Currently the site includes a dilapidated stile to the rear of the site where the footpath continues into adjacent land. The stile is considered unsuitable for the proposed development. The applicant has agreed to upgrade this as part of the development proposals and provide either a chicane or kissing gate in order that the footpath can be accessed by all.

The local highway authority has not objected to the scheme in terms of the access proposals but has requested contributions towards a cycle route along Higham Road. In addition they have suggested that the 30mph speed limit restriction sign is moved further along Higham Road towards the A6 Bypass in order to help with highway safety along this route. Overall, taking all the above issues into account the application is considered to be acceptable in access terms and complies with Policy 13 of the North Northamptonshire Core Spatial Strategy and Policies 45 and 46 of the East Midlands Regional Plan.

3. Amenity

The site adjoins land along the western and southern boundaries which benefit from extant permission for residential development part of which is currently under construction. While the provision of 26 dwellings will increase traffic movements and activity, the land use is compatible with the surrounding area and the impact of these additional movements would not result in such detriment as would warrant refusal of the application.

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.

4. Environmental Matters

The underlying geology across Northamptonshire commonly presents unacceptable levels of naturally occurring arsenic, vanadium and chromium which can present a risk to human life. The applicant has submitted an Environmental Assessment which suggests remediation measures. Implementation of this strategy would need to be secured by condition if planning permission were to be granted along with a requirement to report discovery of any further contamination.

A noise assessment would also need to accompany any subsequent Reserved Matters application which identifies noise sources (with particular reference to the nearby A6 bypass) and propose appropriate mitigation measures to be incorporated within the building designs to ensure an acceptable living environment for future occupants.

5. Flooding and Drainage

The application site area is less than 1 hectare and is located within Flood Zone 1 (low probability of river and sea flooding). For developments in these types of locations the main flood risk issue to consider is usually the management of surface water run off. Drainage from the new development must not increase flood risk either on site or elsewhere. As such it is considered that conditions in relation to surface water run off and foul water drainage are included in order to help mitigate the impacts of the development in relation to flood risk. Subject to the inclusion of these conditions the application is considered to be acceptable and complies with the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Ecology

The application is accompanied by an Ecological Survey Report dated January 2012 which provides a detailed desk survey including a collation of existing records (within 2km) of protected sites, protected species and notable species and a survey to assess habitat, species and features of value at the site. The document concludes that the site only supports limited ecological features and as such the proposal would not adversely impact on key ecological receptors within the locality. Whilst this is so, a number of conclusions and

recommendations are made specifically relating to the timing of any clearance works on site, the retention of some trees and hedgerows and the installation of bat and bird boxes on site. A condition should be used to ensure that the development is carried out in accordance with the conclusions and recommendations of this report in accordance with Policy 13 of the CSS.

7. Sustainable Design and Construction

Policy 14 of the Core Spatial Strategy requires that development meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. Schemes should demonstrate techniques of sustainable construction and energy efficiency, provision for waste recycling/reduction and provision for water efficiency and water recycling. The applicant suggests that the scheme would comply with Building Regulations and that further details would be provided within a Reserved Matters application. Policy 14 and the Sustainable Design SPD strive to achieve standards above the statutory minimum required by the Building Regulations. Furthermore, no provision is made for achieving 10% of the demand for energy through renewable of low carbon sources as required by policy 14. Further details would therefore need to be secured by way of condition to ensure compliance with policy 14 of the CSS.

8. Planning Obligations

In order to mitigate the adverse impacts of the development upon local infrastructure in accordance with Policy 6 and 15 CSS planning obligations would need to be secured as follows:

- 30% on site affordable housing provision
- Library contribution £5,954.00
- Fire and Rescue contribution £3,235.00
- Education contribution £48,048.00
- Open space and sports contributions £27,478.00
- Highways contribution £26,000.00 (£1,000 per dwelling)
- 5% monitoring fee (of the total contributions being sought).

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. Taking all the above issues into account the proposal accords with Development Plan Policies and subject to the inclusion of the recommended conditions and the signing of the Section 106 legal agreement to include the contribution details listed above this application is recommended to Members for approval.

Background Papers

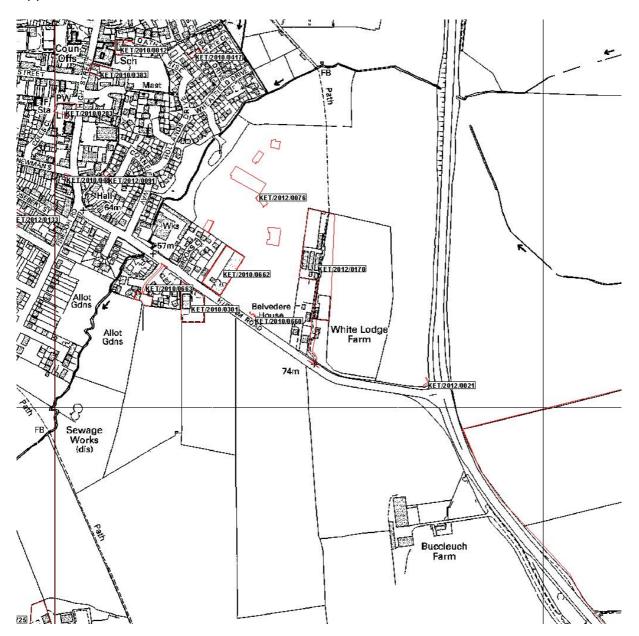
Previous Reports/Minutes

Title of Document: Date: Contact Officer:

Ref: Date: Louise Haggan-Craig, Development Officer on 01536 534316

SITE LOCATION PLAN

White Lodge Farm (land at), Higham Road, Burton Latimer Application No.: KET/2012/0170



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