

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 12/03/2013</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Richard Marlow Development Officer</b>	<b>Application No: KET/2012/0785</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>Bosworths Nursery &amp; Garden Centre, Finedon Road, Burton Latimer</b>	
<b>Proposal</b>	<b>Outline Application: Up to 30 no. dwellings</b>	
<b>Applicant</b>	<b>Mr S Bosworth</b>	

### **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 completed on or before 13 March 2013 and subject to the following conditions, or if not completed by that date the application then be determined by the Development Control Manager under delegated powers:-

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In order to secure a satisfactory development.

2. 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. Prior to first occupation the site access as shown on plan reference 20141\_03\_001c (included as Appendix G in the submitted Transport Statement) received 6 December 2012 by the Local Planning Authority, shall be constructed and thereafter maintained in that form.

REASON: To ensure a satisfactory and safe form of access in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The development hereby permitted shall be limited to no more than 30 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. All trees on site shall be retained and protected as outlined in section 6 of the Tree and Hedgerow Survey and detailed on the tree constraints plan reference M10.166(a).01 received by the Local Planning Authority on 5 Decemebr 2012. The tree works shall be carried out in accordance with all relevant provisions of BS 5837:2005 British Standard Construction in relation to Trees to secure good arboricultural practice.

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. Prior to the commencement of development a scheme for the provision of the surface water drainage and mains foul sewage infrastructure shall be 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 scheme.

REASON: To prevent pollution of the water environment in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. 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.

15.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.

16.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

17.No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. 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.

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 2 of the East Midlands Regional Plan and 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.

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.
- Following outline permission not all reserved matters have been submitted for approval. Without approval of details of appearance, landscaping, layout and scale, full permission has yet to be granted and works should not be commenced until these approvals have been obtained. Remaining details must be submitted for approval within three years of the date of the grant of outline permission.
- Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site therefore the required investigations must take naturally occurring contaminants into consideration. Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide. This document is downloadable at:

[http://www.kettering.gov.uk/downloads/developers\\_guide\\_may\\_04.pdf](http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf)

If you wish to discuss the requirements of the investigations further please contact Mrs. Alex Gratrix, Team Leader (Environmental Protection) on 01536

534348; or email at [contaminatedland@kettering.gov.uk](mailto:contaminatedland@kettering.gov.uk)

- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take into account and accommodate these assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Paragraph 17 and Sections 6 and 7 of the National Planning Policy Framework, Policies 2 and 3 of The East Midlands Regional Plan, Policies 1, 9, 10 and 13 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**

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 23/01/2013. The site which measures 0.99 hectares in area comprises a garden centre that is located to the south of Burton Latimer, within the town boundary as defined by Policy 35 of the Local Plan. The site is bounded to the north and south by existing residential development, to the west is open countryside, currently in use as a nursery, and to the east is Finedon Road beyond which is open countryside.

#### **Proposed Development**

This proposal is an outline application for up to 30 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**

None

### 4.0 Consultation and Customer Impact

#### **Burton Latimer Town Council**

No objection.

#### **Highway Authority**

No objection. Contributions of £30,000 to public transport and £13,500 towards public rights of way improvements sought.

#### **NCC – Minerals and Waste**

No objection. Prior to any development taking place, the applicant should demonstrate how it meets policies CS7 and CS8 of the North

Northamptonshire Minerals and Waste Development Framework.

**NCC – Key Services**

No objection. Education contributions required for Primary, Secondary and Sixth form places on a dwelling size basis. Library contribution based on the size of dwellings.

**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.

**Fire and Rescue**

No objection. Contribution towards fire and rescue infrastructure sought £2,760 (£92 per dwelling) and suggest a planning condition to secure fire hydrants in the development

**Northants Police**

No formal objection. Detailed comments on the indicative layout which can be dealt with at reserved matters stage. The development should conform to the principles of Secured by Design as far as possible

**Wildlife Trust**

Object to the application on the grounds of insufficient protected species survey work, insufficient appraisal of the likely effects of this development on the adjacent Burton Latimer Meadows Local Wildlife Site and the absence of a cumulative impacts analysis report.

**Natural England**

No objection directed the case officer to national standing advice on protected species.

**Environment Agency**

No objection subject to the imposition of a condition for mains foul water drainage on and off the site.

**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.

**Sport England**

No comments.

**Environmental Health**

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

**Community Services**

No objection subject to contributions to open space off site contributions , indoor sports and leisure. Contributions of £605 towards King George V recreation ground, £424 for Higham Road allotments, £386 for Burton Latimer Cemetery, £1,197 for Burton Latimer Community Centre, and £24,464 for indoor sports are sought.

### **Housing**

Support the 30% affordable housing proposed on the grounds that Kettering Borough Council currently has approximately 3,004 active applications on the Housing Register.

### **Neighbours**

16 letters received from 14 addresses 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.
- Traffic congestion.
- Highway safety and access on to Finedon Road.
- Drainage and flooding issues.
- Burton Latimer has already exceeded its housing supply as outlined in the CSS.
- Noise generation and disturbance from the development.
- Loss of amenities and jobs through loss of garden centre, gift shop and café.
- Detrimental impact on wildlife, bats are present in neighbouring gardens.
- Ground movement caused by additional building works
- Views across to open fields will be lost.
- Density of the plot is too high and will cause parking issues.
- Affordable housing is a concern.
- Removal of trees and hedgerows.
- Footpath from the entrance of Finedon Road is dangerous and should be laid with an appropriate surface to allow access to the countryside.
- Junction spacing issues on Finedon Road could be negated by providing access into the site from Hollow Wood Road.
- Development not in keeping with the surrounding area.

## **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**

### **East Midlands Regional Plan**

2 – Promoting Better Design  
11 – Development in the Southern Sub-area  
13b – Housing Provision (Northamptonshire)  
14 – Regional Priorities for Affordable Housing  
28 – Regional Priorities for Environmental and Green Infrastructure  
31 - Priorities for the Management and Enhancement of the Regions  
Landscape  
44 – Sub-area Transport Objectives  
MKSM SRS Northamptonshire 1  
MKSM SRS Northamptonshire 4

### **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**

35 – Housing: Within Towns  
39 – Housing: Affordable Housing

### **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**

Draft heads of terms for the Section 106 Obligation:

- 30% Affordable Housing
- Education – A contribution is required towards additional secondary and sixth form places, based on dwelling size this varies between £0 for a 1 bed unit and £10,024 for a 5 bed unit. Contributions are reduced by two thirds for the affordable units. The County Council would also seek £2184 per dwelling towards primary school places
- Open Space (based on 30 dwellings) off site contributions of £605 towards King George V recreation ground, £424 for Higham Road

allotments, £386 for Burton Latimer Cemetery, £1,197 for Burton Latimer Community Centre, £13,202 for indoor sports.

- Rights of Way Improvements footpath UA19 £13,500
- Public transport - Strategic bus service and infrastructure improvements £30,000
- 5% Monitoring Fee

### **Section 106 Obligation**

A section 106 legal agreement will be completed to secure the 30% affordable housing and contributions to leisure infrastructure, education, public rights of way and public transport. The Community Service request has been altered to reflect the needs for a Sports Hall in Burton Latimer as set out within the Sports Facility Strategy. The fire and rescue and library contributions have been removed due to the lack of an evidence base to support these contributions in this instance and their inability to meet the three tests for planning obligations set out in regulation 122 of the CIL Regulations 2010.

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

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

### **1. Principle of Development**

The 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). 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. Although housing permissions in Burton Latimer have exceeded the 700 dwellings as outlined in the CSS, the figures themselves are only indicative/minimum figures not total figures for development in towns.

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. This proposed housing development is on brownfield land and so would help to meet this objective.

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 and as such the applicants have provided an Economic Impact Assessment. The site is not located within the town centre or edge of centre which is the preferred location for A1 retail uses. Its location does not promote sustainable travel patterns or promote modal shift in accordance with CSS Policy 13 and therefore the loss of retail here is considered acceptable. The economic impact assessment shows that 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 housing development site.

The site 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. However, there is no adopted development plan policy which specifically relates to this piece of land and/or its development for housing.

In summary the proposal for residential development on this site, is within the settlement boundary, within a sustainable settlement as outlined in policy 1 and 10 of the CSS and is acceptable in principle and constitutes sustainable development which meets the aims and objectives of national, regional and local planning policies.

## 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 housing development and the nursery to the far west and provide a turning head for large vehicles including refuse vehicles within the site. The access would include a 6m carriageway for the full length of the access with 1.8m footpath on either side. The Transport Statement shows that there would be an increase of 1 trip in the AM and a reduction of trips in the PM. Therefore overall there would be no intensification in trip generation from the proposed housing development when compared to the existing garden centre use.

The Highways Authority has been consulted on the application and no objections have been raised to the proposed development. This includes the need for a carriageway width of 6m as the proposed road is to serve both the new housing and existing nursery beyond, with will be secured by condition.

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.

The site lies adjacent to public footpath UA19 which runs from Finedon Road to the Ise River. Financial contributions have therefore been sought to upgrade the footpath for the length of the site with improved surfacing 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 and EMRP policies 44 and 45.

### 3. 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 30 dwellings of which 30% 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.

### 4. Design, Character, Appearance and Landscaping

Policy 7 of the NPPF, Policy 2 of the EMRP 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 30 dwellings can be accommodated on site. This amount of development is considered appropriate to the size of the plot (1 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 the design of the site provides access to the nursery use to the west which is set to continue. 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 adjacent to 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 30 dwellings within the scale parameters specified could be achieved within the site.

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 and the garden nursery. The visual impact on the proposal is therefore considered to be appropriate in this location and given existing surrounding uses. Landscaping is not determined at this stage and therefore full landscaping details can be secured at reserved matters stage. However a landscaping condition has been applied 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 30 dwellings on the site will have a neutral impact on traffic movements and activity from those currently generated by the existing garden centre 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. 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.

#### 7. 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 advise 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.

#### 8. Flood Risk

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 has submitted a Flood Risk Assessment for the site which includes a surface water drainage strategy as highlighted by the EA Standing Advice for a site under 1 hectare in Flood zone 1. The EA have confirmed that they have no objection to the application, subject to a condition regarding foul sewage infrastructure.

Subject to the recommended condition, the application is considered in accordance with policy 10 of the NPPF and policies 32 and 35 of the EMRP and policy 13(Q) of the CSS.

#### 9. Biodiversity

Submitted with the application is an Extended Phase 1 Habitat Survey, and a Tree and Hedgerow survey report which assesses the potential for adverse impact on wildlife and biodiversity.

The 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 five 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. The trees on site have been assessed and the Arboricultural Assessment is accepted. A condition to retain the important trees identified on site is recommended, along with tree and hedgerow protection measures during construction.

The Wildlife Trust objected to the application, in their response of 7 January 2013, on the grounds of insufficient protected species information, insufficient appraisal of the likely effects of this development on the adjacent Burton Latimer Meadows Local Wildlife Site and the absence of a cumulative impacts analysis report. The applicant has sought to address the points raised by the Wildlife Trust in supplementary evidence submitted by their ecological advisor.

Concerns were raised with regards to the bat survey work which whilst finding no presence of bats on the site, highlighted a small shed structure on the site which may be suitable for roosting. Since the time of completing the survey, October 2012, the structure has collapsed and been removed from site and therefore no additional bat survey work has been requested during the application process. The Wildlife Trust was also concerned about the potential for reptiles on land to the north and west of the application site which is in the same ownership but not proposed for development, or form part of this application.

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 and the house at 112 Finedon Road which is to remain, resulting in only 30 metres of the application site bordering the LWS. 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. The Construction Method Statement requires details with regards to storage of materials and the location of equipment during the construction phase and therefore adequate distance from the LWS can be secured to reduce the risk of building materials entering the wildlife site.

The Wildlife Trust also refers to the cumulative impacts of development to the west of Burton Latimer on biodiversity. Given the existing use of the site; its location within the town boundary; the limited number of dwellings proposed

and the indication in the emerging Site Specific Proposals LDD of the sites potential for housing, it is considered that any cumulative impacts would in this instance not give rise to a significant impact on local biodiversity to warrant refusal of this application in accordance with policy 11 of the Framework and policy 13 of the CSS.

Subject to the recommended conditions, the application is considered to satisfy NPPF policy 11, EMRP policies 26 and 29 and CSS policies 5 and 13.

#### 10. Heritage Assets (Archaeology)

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 EMRP policy 27 and CSS policy 13 are met.

#### 11. 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**

This outline application is in accordance with national, regional and local policy. There are no material planning considerations that indicate against the scheme. 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

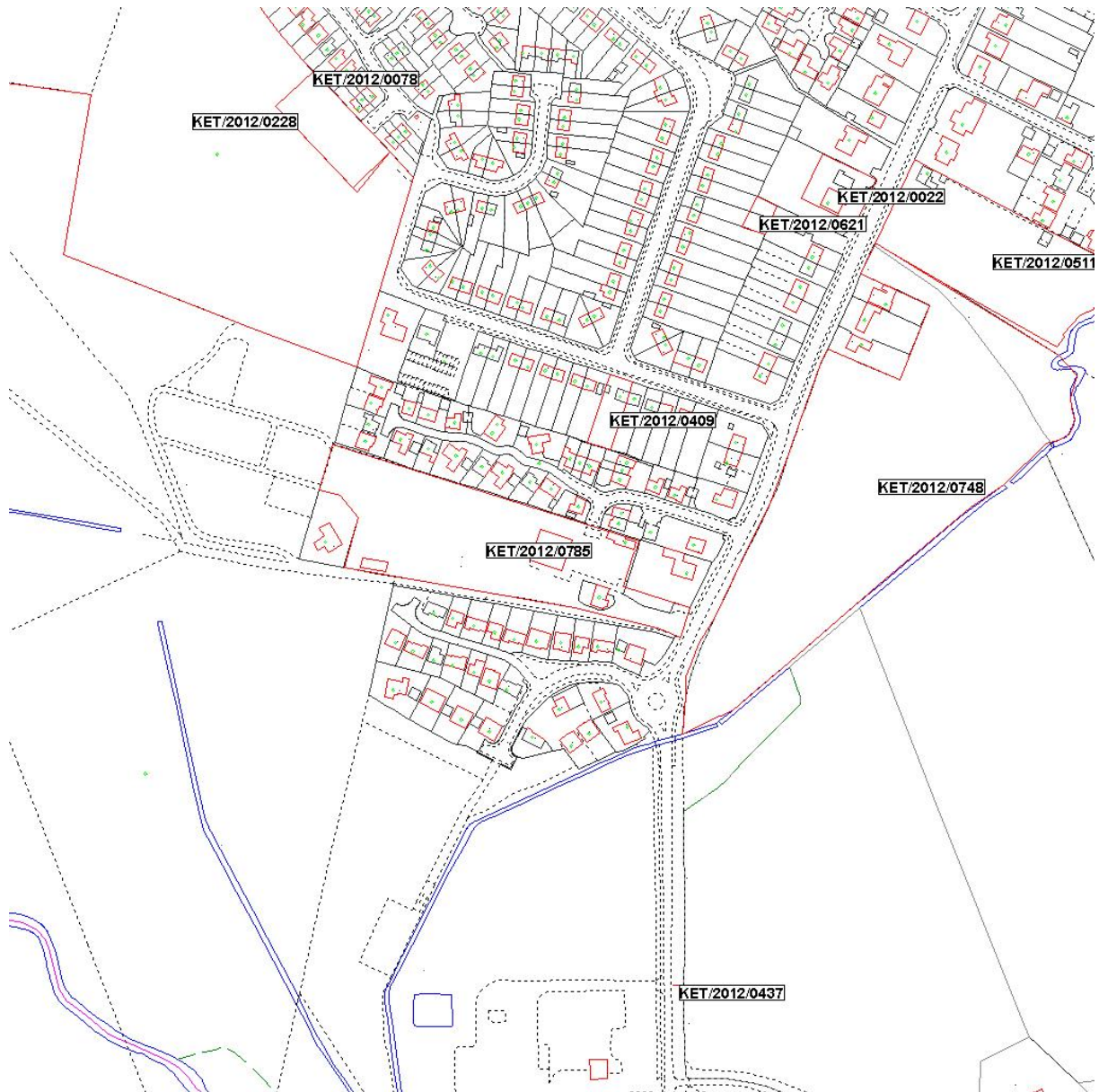
#### **Previous Reports/Minutes**

Ref:

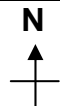
Date:

## SITE LOCATION PLAN

Bosworths Nursery & Garden Centre, Finedon Road, Burton Latimer  
Application No.: KET/2012/0785



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