

## **BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 21/12/2010</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Michael Boniface Development Officer</b>	<b>Application No: KET/2010/0643</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>Cranford Road (land off), Burton Latimer</b>	
<b>Proposal</b>	<b>Renewal of Extant Permission (Outline - Major): KET/2006/0603 (Residential development with associated infrastructure, including realignment of Cranford Road, construction of internal access roads, provision of public open space and drainage works)</b>	
<b>Applicant</b>	<b>Deejak Properties Ltd</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 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 scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include planting plans; written specifications; schedule of plants, noting species, plant sizes, proposed numbers/densities; and an implementation programme. The scheme shall also indicate all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

REASON: To ensure an appropriate standard of development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. All hard and soft landscape works shall be carried out in accordance with the approved details required by condition 5. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved in writing by the Local Planning Authority. If within a period of five years from the date of planting, any trees or plants or any replacement planting is removed, uprooted, destroyed or dies, replacement trees and plants of the same species and size as that originally planted shall be planted in the next planting season in the same place.

REASON: To ensure an appropriate standard of development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. A management plan for enhancement and creation of biodiversity, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development or any phase of the development, whichever is the sooner. The management plan shall include measures for the management and maintenance of the former railway cutting adjoining the eastern site boundary, as well as a scheme for the future maintenance of the on-site balancing ponds. The management plan shall be carried out as approved.

REASON: To protect and enhance ecological interests in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and PPS9.

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained. The approved boundary treatment shall be completed before first occupation of the dwelling to which it relates.

REASON: In the interests of amenity and to ensure an appropriate standard of development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. No dwellings shall be occupied until its designated car parking spaces have been laid out and constructed ready for use in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

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

10. No development shall commence until details of a scheme for surface water management and disposal in accordance with the parameters described in the site specific flood risk assessment report dated 10 July 2007 and cascade modelling report dated 15

October 2007, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. Such details shall include phasing and a programme for implementation. The scheme shall only be carried out in accordance with the details so approved, and there shall be no occupation of any building until the works have been completed in accordance with the approved scheme.

REASON: To prevent flooding and water pollution in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and PPS25.

11. No development shall commence unless and until details of an off and on-site scheme for the provision, phasing and monitoring of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of any dwelling until the scheme is carried out and operational in accordance with the details so approved.

REASON: To ensure appropriate drainage and avoid risks to human health in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and PPS25.

12. No development shall commence unless and until details of a scheme for ensuring water efficiency during construction, and water-efficient consumption by occupiers, has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

REASON: To ensure water efficiency in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy and PPS1.

13. No development shall commence unless and until details of a scheme for ensuring waste minimisation and re-use during construction, and to provide recycling facilities for residents, has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

REASON: To ensure waste minimisation and recycling in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy and PPS1.

14. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

REASON: To ensure an appropriate standard of development in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

15. Prior to the commencement of 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 be undertaken 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.

16. The land shall be developed at a minimum net density of 40 dwellings per hectare.

REASON: To ensure an effective and efficient use of land in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and PPS3.

17. Prior to commencement of the development, full engineering, drainage, street lighting and constructional details of the diversion of Cranford Road including public

transport infrastructure, pedestrian crossing facilities and means of treatment and severance of the existing Cranford Road shall be submitted to and approved in writing by the Local Planning Authority. The highway works shall be completed in accordance with the details approved prior to first occupation of the dwellings hereby permitted.

REASON: To ensure highway safety and appropriate adoptable construction in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

18. The existing highway of Cranford Road shall not be severed to through-traffic unless and until the revised alignment of Cranford Road has been completed in accordance with the details approved under condition 17.

REASON: To ensure highway safety and appropriate adoptable construction in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

19. No development shall take place until a scheme for highway improvement works to the Church Street/High Street junction, showing full engineering, drainage, street lighting and constructional details have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the any dwelling.

REASON: To ensure necessary highway improvements in accordance with the submitted details and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

20. No development shall take place until a scheme for highway works to Bird Street and Woodcock Street, showing full engineering, drainage, street lighting and constructional details have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of any dwelling.

REASON: To ensure necessary highway improvements in accordance with the submitted details and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

21. No development shall take place until a scheme for highway works (showing full engineering, drainage, street lighting and constructional details) to form the roundabout and associated works on the A6 in accordance with Drawing No: 4435/03/001 Revision A dated 20.10.05 have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of any dwelling.

REASON: To ensure necessary highway improvements in accordance with the submitted details and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

22. Prior to commencement of the development hereby permitted, full details of the temporary construction access and strategy to prevent associated vehicles travelling through Burton Latimer shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and maintained.

REASON: To ensure highway safety and appropriate adoptable construction in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

23. The reserved matters referred to in condition 2 shall include proposals for the provision of live/work units on the site, which shall represent a minimum of 5% of the open-market dwellings to be erected. The live/work units shall comprise single residential units with attached, dedicated offices or light industrial workspace falling within Class B1 of the

Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order). Each unit of permitted residential and business accommodation shall not be subdivided and/or occupied separately.

REASON: To clarify the terms of the permission and make provision for small businesses in accordance with policy 8 and 13 of the North Northamptonshire Core Spatial Strategy.

24. Those dwellings completed during the period up to 31 December 2012 shall meet the Code for Sustainable Homes (CSH) code level 3 as a minimum, those dwellings completed 1 January 2013 to 31 December 2015 shall meet CSH code level 4 as a minimum and those completed 1 January 2016 onwards shall meet CSH code level 6 as a minimum (or the equivalent standard which replaces CSH and is to be the assessment in force when the residential units concerned are registered for assessment purposes).

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with PPS 1, PPS Planning and Climate Change Supplement to PPS 1, PPS22, Policy 2, 32 and 39 of East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

25. Prior to the commencement of development, a copy of the Interim Design Stage Assessment Certificate shall be provided to the Local Planning Authority to demonstrate that any units to be constructed will achieve the required CSH code levels (pursuant to condition 26).

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with PPS 1, PPS Planning and Climate Change Supplement to PPS 1, Policies 2, 32 and 39 of the East Midlands Regional Plan (2009), Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

26. Within six months of the completion of any unit a copy of the Post Construction Final Certificate shall be provided to the Local Planning Authority to demonstrate that the unit has been constructed in accordance with the Sustainability Report and that the development has achieved the relevant CSH code levels.

REASON: In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with PPS 1, PPS Planning and Climate Change Supplement to PPS 1, Policies 2, 32 and 39 East Midlands Regional Plan (2005) Strategic Policy 3 of the Milton Keynes-South Midlands Sub-Regional Strategy (2005) and Policy 14 (a) of the North Northamptonshire Core Spatial Strategy (2008).

27. Prior to commencement of development, a low or zero carbon (LZC) Feasibility Study to establish the most appropriate LZC energy source for the development in order to achieve a target of at least 30% of the demand for energy shall be submitted to and approved by the Local Planning Authority. The study shall cover as a minimum; energy generated by LZC source per year, payback, land use, noise, whole life cost impact of potential specification in terms of carbon emissions, any available grants, all technologies appropriate to the site, energy demand of the development, reasons for excluding other technologies. If the 30% target cannot be met the study must include a technical and economic viability assessment to justify any lower percentage. Any revisions to the study

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 findings of the approved feasibility study.

REASON: In the interest of tackling climate change, reducing carbon emissions and creating a sustainable development in accordance with PPS 1, PPS Planning and Climate Change Supplement to PPS 1, PPS 22, Policy 1, 2 and 39 East Midlands Regional Plan (2009) and Policy 14 of the North Northamptonshire Core Spatial Strategy (2008).

28. Unless otherwise approved in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until parts A - D have been complied with. If unexpected contamination is found after development has begun, development shall 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 part 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, shall 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,
- archeological 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'.

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 part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part C.

REASON (common to all): 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.

29. Notwithstanding the submitted details, the Reserved Matters application shall include a revised Acoustic Assessment to identify current noise impacts on the development along with a scheme of mitigation measures to be incorporated within the dwellings. The scheme shall ensure that the good standards outlined within BS8233:1999 for residential accommodation are achieved. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be fully implemented before any of the permitted dwellings are occupied.

REASON: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- This outline planning permission is a renewal of an extant consent and should therefore be read in conjunction with planning permission KET/2006/0603.

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

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 3, 5, 9, 13, 23, 24 and 25, Policies 2, 11, 13b, 14, 44 and MKSM SRS Northamptonshire 1 and 4 of The East Midlands Regional Plan, Policies 1, 6, 7, 9, 10, 13, 14 and 15 of the North Northamptonshire Core Spatial Strategy, and Policies 35, 39 and B5 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document 'Open Space' and 'Sustainable Design'. There are no material considerations that indicate against the proposal.

## Officers Report

### 3.0 Information

#### Relevant Planning History

KET/2006/0603 – Outline application: Residential development with associated infrastructure, including realignment of Cranford Road, construction of internal access roads, provision of public open space and drainage works – **APPROVED at appeal 28/02/2008 with a requirement for Reserved Matters to be submitted by 28/02/2011**

#### Site Description

Officer's site inspection was carried out on 12/10/2010.

The site is located on the eastern side of Cranford Road on the north east edge of Burton Latimer, approximately 0.6km from the town centre (as the crow flies). It has an area of 6.7Ha and is in agricultural use with the majority covered in crops. The land falls gently from north to south. To the north is a garden centre which is separated from the site by a strong line of mature and semi-mature trees and other vegetation. A disused railway line and dense vegetation adjoins the eastern boundary, beyond which lies the A6 road. There is residential development to the south along Bird Street, Woodcock Street and Wold Road and to the west along Cranford Road. A public footpath traverses the site, linking Woodcock Street and the A6.

Cranford Road extends northwards to its junction with the A6, while to the south it runs into Church Street. The latter gives access to the town centre which offers a range of services and facilities including a supermarket, post office, pharmacy, banks, convenience stores and restaurants. The town also has two primary schools, a modern health centre, library, community centre and other social and recreational uses. An employment area dominated by the Weetabix factory and a Morrisons distribution centre lies on the northern edge of the town.

A bus service runs along Cranford Road at 20 minute intervals, providing access to the town centre and to Kettering.

Church Street lies within a Conservation Area which includes much of the historic core of the town. The Conservation Area boundary has recently been reviewed by the Council and revised in line with an up to date appraisal. The boundary now extends to include Bird Street, Woodcock Street and the west side of Wold Road and as such, directly abuts the site. The new Conservation Area boundary was adopted on 24<sup>th</sup> November 2009.

#### Proposed Development

Renewal of extant planning permission KET/2006/0603 (Residential development with associated infrastructure, including realignment of Cranford Road, construction of internal access roads, provision of public open space and drainage works)



The application seeks outline planning permission and the ultimate number of dwellings is to be determined by subsequent Reserved Matters applications. The submitted information suggests however a development of approximately 208 dwellings and an indicative layout drawing accompanies the original application illustrating how this number might be accommodated by the site. The illustrative building heights plan suggests that the development would accommodate a mix of two and three storey dwellings.

All detailed matters (appearance, landscaping, layout and scale) were reserved during the original planning application except for access. Access, including the realignment of Cranford Road was considered and approved as part of the extant planning permission.

### **Any Constraints Affecting The Site**

- C Road
- Adjacent Conservation Area
- Public Right of Way

## **4.0 Consultation and Customer Impact**

### **Parish/Town Council**

The previous planning application proved to be very controversial and met a lot of local objection. The Town Council is unaware of any attempt by the developer to meet the requirements of conditions attached to the previous planning permission and the land is now used for agriculture. The development has been opposed from first submission and this view has not changed. It is noted that the planning scene has however changed significantly. Many planning permissions have been granted to the extent that the Council can now demonstrate a 5 year supply of housing land. The Inspector's comments in relation to PPS3 are no longer relevant and the refusal of permission would not significantly impact housing land supply. The real risks of technical issues could however be avoided. No justification for approving the application has been submitted by the developer. The Urban Design Framework for Burton Latimer should also be considered. The development will not add to the vitality of the town. The application should be refused as there are alternative and more preferable sites for development.

### **Highway Authority**

No objection. The current application is the same as that which gained consent at Public Inquiry. Subject to all matters previously considered by the Inspector including the S106 provisions, the extension of time is considered acceptable. If the highways S106 provisions are to change so that the pooled approach was not followed however, a more detailed Transport Assessment would be necessary.

### **Highway Agency**

No objection. The proposed development will not result in an adverse impact upon the trunk road network.

**Environmental Health**

It is noted that a noise condition was not attached to the previous planning approval however the development will be impacted by noise and a suitable condition should therefore be attached. In addition, the requirements for contaminated land investigation have changed since the previous planning application and a further assessment should therefore be secured.

**KBC Housing**

No comment. Noted that the application is for renewal and hasn't changed in terms of the percentage and tenure split of affordable housing (30%, 60/40).

**Northamptonshire County Council**

Developer Contributions should be sought towards local libraries, Fire and Rescue Service and education provision.

**North Northants Badger Group**

An EIA should be required.

**Natural England**

The submitted Ecological Assessments are more than 12 months old and are therefore considered out-of-date for the purposes of establishing potential impacts on protected species. Further information should be provided prior to any planning permission being granted.

**The Wildlife Trust**

Condition 7 of the original planning application required the preparation and implementation of a management plan for the enhancement and creation of biodiversity. This condition remains applicable to the current proposal.

**NCC Archaeological Advisor**

No objection. The site falls within an area which has been extensively quarried. The archaeological desk based assessment previously submitted demonstrates that there is very little potential for the survival of archaeological remains.

**KBC Community Services**

The development generates a need for the provision of on-site open space along with financial contributions to other community infrastructure in line with the Open Space SPD.

**Environment Agency**

No objection subject to the imposition of conditions relating to surface and foul water drainage in line with the previous planning permission.

**Anglian Water**

Anglian Water is obliged to provide water and wastewater infrastructure for new housing under the Water Industry Act 1991. The foul drainage from this development is in the catchment of Broadholme Sewage Treatment Works which currently has capacity of these flows. The sewerage system has capacity for the flows. The Surface Water Strategy/Flood Risk Assessment submitted with the application is acceptable and should be secured as part of any planning permission.

### **Northamptonshire Police**

No detailed information has been submitted at this stage however a number of comments regarding crime prevention and security should be considered.

### **Sport England**

The application will not result in the loss of sports pitch provision and is therefore considered on a non-statutory basis. Sports facilities should be sought through this application.

### **Primary Care Trust**

A capital contribution should be secured towards healthcare provision.

### **Neighbours**

Objections received from 19 residents for the following reasons:

- Density.
- Impact on Right of Way.
- Impact on ecology.
- Surface water run-off.
- Plans originally agreed should not be deviated from.
- Original decision considered incorrect layout.
- Original permission only granted due to lack of 5 year housing land supply.
- Proposal opposed by a large number of local residents.
- Site is currently used for agriculture.
- A number of large planning applications have been granted and the Council can now demonstrate a 5 year housing land supply.
- Preferable sites exist for development.
- Regional Spatial Strategies have been revoked.
- Traffic, congestion and highway safety.
- Lack of infrastructure in Burton Latimer.
- Flooding and drainage.
- Conservation Area impact.

Petition against the development signed by 72 residents. Objections as follows:

- Council can now demonstrate a 5 year housing land supply in accordance with PPS3.
- Density of dwellings is too high.
- Drainage concerns.
- Impact on the character of the Conservation Area.
- Field is currently used for agriculture.
- Ramblers use the footpath.
- Ecological impact.

## **5.0 Planning Policy**

### **National Policies**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS5 – Planning for the Historic Environment

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

PPS23 – Planning and Pollution Control  
PPG24 – Planning and Noise  
PPS25 – Development and Flood Risk

### **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  
44 – Sub-area Transport Objectives  
MKSM SRS Northamptonshire 1  
MKSM SRS Northamptonshire 4

#### **North Northamptonshire Core Spatial Strategy**

1 – Strengthening the Network of Settlements  
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

#### **Supplementary Planning Documents**

Open Space, September 2008  
Sustainable Design, February 2009

### **6.0 Financial/Resource Implications**

Section 106 obligations required towards:

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

### **7.0 Planning Considerations**

The key issues for consideration in this application are:-

- 1 Principle of Development;
- 2 Access, Highways and Parking;

- 3 Design, Character and Appearance;
- 4 Impact on the Conservation Area and Listed Buildings;
- 5 Neighbouring Amenity;
- 6 Environmental Matters;
- 7 Flooding and Drainage;
- 8 Ecology;
- 9 Archaeology;
- 10 Impact on Public Rights of Way;
- 11 Crime and Disorder;
- 12 Sustainable Design and Construction;
- 13 Developer Obligations.

### 1. Principle of Development

Planning permission was originally granted for the proposed development at appeal on the 28<sup>th</sup> February 2008 and this planning permission remains extant. This application seeks to renew the current planning permission to allow a longer period for implementation but involves the same development as currently permitted. Whilst the proposal must now be considered on the basis of current planning policy and circumstances, the development is still capable of being implemented under the extant planning permission. This is a material consideration that should be afforded some weight.

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 and the Northamptonshire County Structure Plan. The CSS provides the key local planning policy framework which will guide the constituent Local Authorities in their preparation of site allocations Development Plan Documents (DPD's) or Area Action Plans (AAP's) as well as the key policy guidance for determining individual planning applications. Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes it a legislative requirement for Local Planning Authorities to ensure that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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. As well as regenerating the Town Centres, the growth agenda will also be delivered by the provision of sustainable urban extensions to those growth towns which will provide major locations for housing and employment and help to reinforce the roles of those settlements.

Policy 9 of the CSS states that priority will be given to the reuse of suitable previously developed land and buildings within urban areas. Further development requirements will be focused on a small number of sustainable urban extensions (SUE's) at the Growth Towns and site specific Development Plan Documents may identify opportunities for smaller scale SUE's at Smaller Towns and Rural Service

Centres. In the case of Kettering Borough, it is anticipated that such smaller scale SUE's will be located at Rothwell and Desborough in accordance with the emerging Rothwell and Desborough Urban Extension AAP. Burton Latimer is identified as a Small Town.

The current scheme does not constitute a Sustainable Urban Extension in the context of the CSS as it is predominantly a residential scheme with the exception of a requirement for 5% of the properties to be live/work units (secured by condition 26 of the existing planning permission). As discussed above, SUE's are to be delivered in appropriate locations within North Northamptonshire through the plan making process and policy 16 of the CSS states that provision will be made for a wide range of services, facilities and infrastructure alongside such proposals.

Whilst the proposed development cannot therefore be considered as a Sustainable Urban Extension, the site falls within the settlement boundary for Burton Latimer defined by policy 35 of the Local Plan and is close to the existing built form of the town, albeit located on the edge of the settlement where a more rural and agricultural appearance is evident. The site has previously been protected by Local Plan policy as important open space however the relevant policy has not been saved and no weight can now be attributed to this.

It should be noted that the CSS requires delivery of 4923 dwellings within the Borough during the period 2001 – end of March 2010 (as set out within the Table 3: Average Annual Housing Provision Rates 2001 – 2021). In fact, 4934 dwellings have been delivered during this period and the Council is therefore exceeding the required delivery projections. It can be argued therefore, that development should continue to be delivered in accordance with the spatial vision for the area as set out within the adopted CSS.

Policy 10 of the CSS sets an indicative housing requirement for Burton Latimer of 700 dwellings from 2001-21. Current figures collected by the Council up to the end of March 2010 confirm that 289 dwellings have been completed and there is outstanding consent for 592 dwellings. The total completions and outstanding consents therefore amount to 881 dwellings, exceeding the 700 dwellings indicative requirement despite only being half way through the period.

Policy 13b of the East Midlands Regional Plan states that housing numbers in excess of those stated in the regional plan should be tested by Local Authorities through their development plan documents. No provision is made within the current Development Plan for additional development in the Small Town of Burton Latimer and the requirement of 700 dwellings would be exceeded. Whilst this is so, the number of consented dwellings includes the extant planning permission for this site (208 dwellings) and the principal of overprovision by this amount in Burton Latimer has therefore already been established. This matter was considered in some detail during the Public Inquiry for the previous planning application and the Secretary of State concluded that there was no evidence to suggest an overprovision of dwellings would be detrimental to the town, its infrastructure or facilities. To the contrary, 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 which were secured through a Unilateral Undertaking. There

is no reason to believe that this situation has now changed, no infrastructure concerns have been raised by statutory consultees or service providers and this indicates that the development remains appropriate.

The government has signalled an intention to abolish Regional Spatial Strategies in order to remove top-down targets for housing provision in favour of local target setting. In light of this the Chief Planning Officer wrote to Local Planning Authorities on the 6<sup>th</sup> July 2010 suggesting that authorities who wish to review housing requirements for their areas “should quickly signal their intention to undertake an early review so that communities and landowners know where they stand”. The North Northamptonshire Joint Planning Unit subsequently consulted the Council on an intention to undertake such a review of housing figures within the CSS. The Council’s Planning Policy Committee resolved to respond to this consultation recognising that Kettering Borough Council has performed well in meeting its housing requirements in the past, but that establishing a 5 year housing land supply still presents a challenge, particularly due to the current economic climate. This could influence the ability of the Council to meet its ongoing housing provision requirements as laid out within the adopted CSS.

Despite this, it is important to note that attempts by the Government to revoke Regional Plans have to date been found unlawful by the High Court and as such, the East Midlands Regional Plan (and the housing allocations contained within) remain part of the development plan. Furthermore, these housing requirements are adopted more locally within the Core Spatial Strategy. Following the High Court judgement that revocation of Regional Plans is unlawful without the introduction of legislative provisions, the Secretary of State and Communities Chief Planning Officer issued advice on the 10<sup>th</sup> November that the intention to abolish Regional Plans is a material consideration for the purposes of determining planning applications. This advice has also been challenged by judicial review where it is alleged that an intention to abolish Regional Plans is in fact immaterial to decision making. Pending the outcome of this challenge, the Government’s advice to Local Planning Authorities is to consider individually the weight which should be attributed to such statements in light of the above matters.

In considering this, I would remind members as to the matter of law contained within Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. It is therefore considered that the application should be determined in accordance with the adopted development plan as discussed above. Whilst there may be an intention to revoke Regional Plans or revise housing allocations for the area, none of these matters are currently enshrined within law or the development plan. Very limited weight should therefore be attributed to these matters. Furthermore, the Joint Planning Unit has suspended its intention to revise CSS housing allocations in light of these legal challenges as this matter can again be afforded no weight at present.

PPS3 is a material consideration in the determination of residential planning applications. Paragraph 69 stipulates that in deciding planning applications for housing, local planning authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing, reflecting the accommodation requirements of specific groups in particular families and older people.
- The suitability of the site for housing, including its environmental sustainability
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for the area and does not undermine wider policy objectives.

PPS3 further states that planning authorities should maintain an up to date five year supply of deliverable housing sites. Paragraph 71 states “Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69”.

The Council has been working hard to establish a 5 year housing land supply in accordance with this guidance but is currently unable to do so. A recent appeal decision considered this matter at Public Inquiry (KET/2009/0546 – Land off Hawthorn Road, Burton Latimer) where the Council presented evidence of current housing land supply. In this case, the Inspector concluded that the Council could only demonstrate a 4.6 year housing land supply. While the supply is not therefore far removed from the necessary 5 year supply, PPS3 is clear that applications should be viewed favourably where the 5 years supply cannot be demonstrated. Furthermore, the guidance does not preclude a longer housing land supply being achieved. This is an important material planning consideration and should be afforded significant weight in favour of granting planning permission.

In the absence of a 5 year housing land supply, applications should be considered with reference to the above criteria set out in paragraph 69 of PPS3:

*Achieving high quality housing -*

This application seeks outline planning permission only and does not provide specific detail as to the exact design and layout at this stage. There is no reason to believe however that high quality housing cannot be achieved within the scheme; the detailed matters would be subject to consideration by the Council at the Reserved Matters stage.

*Ensuring developments achieve a good mix of housing, reflecting the accommodation requirements of specific groups in particular families and older people -*

The application proposes a mix of house types, sizes and tenures which again would be subject to consideration at the Reserved Matters stage. Furthermore, a legal agreement would secure provision of 30% affordable housing which is to comprise a 60/40 tenure split between social rented and shared ownership in accordance with an up to date Housing Market Assessment.



*The suitability of the site for housing, including its environmental sustainability –*  
The extant planning permission establishes the suitability of the site for housing in principal. Whilst there have been significant changes to development plan policy since the previous grant of permission, the changes have been considered above and do not indicate against the proposal. The development would provide residential development in line with the government's growth agenda. The site is within the settlement boundary for Burton Latimer and is served by a range of services and facilities, including public transport.

*Using land effectively and efficiently –*

The application seeks outline planning permission only and the specific number of dwellings to be provided is yet to be established (although the indicative layout drawing suggests a scheme of 208 dwellings). Condition 16 of the extant planning permission requires the development to achieve a minimum net density of 40 dwellings per hectare. This is considered an appropriate density for the site location on the edge of the town and would make an efficient use of land without compromising the form, character and appearance of the surrounding area. A similar condition should again be imposed on any planning permission.

*Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for the area and does not undermine wider policy objectives –*

Concerns regarding the impact of the development on the spatial vision for the area as set out within the CSS have been discussed above. While the proposed development does not fully accord with the spatial vision outlined within the CSS, planning permission has already been granted for the development and no material changes in policy or circumstances have taken place in the interim period to the extent that would now indicate that planning permission should be refused. The current scheme would not impact upon the number of outstanding permissions for new dwellings because this development is already accounted for in the Council's housing supply calculations. Developer obligations would be secured through a legal agreement including financial contributions towards mitigating impacts upon local infrastructure; subject to these obligations, no adverse impact upon local infrastructure or facilities have been identified. There is therefore no reason to conclude that the proposed development would jeopardise the spatial vision otherwise being implemented and recent appeal decisions (KET/2009/0546 - Land off Hawthorn Road, Burton Latimer and KET/2009/0474 – Land at Harrington Road, Rothwell) strongly support this conclusion.

In summary, the Council cannot demonstrate a 5 year housing land supply. Under these circumstances, PPS3 makes it clear that planning applications should be viewed favourably subject to consideration of the matters discussed above. There are no significant adverse impacts which can be demonstrated as a result of the proposed development. As such, planning permission should be granted.

## 2. Access, Highways and Parking

Details of access, including the realignment of Cranford Road were submitted with the original planning application. The application was accompanied by a Transport Assessment which sufficiently assesses the potential impacts upon the wider highway network along with the proposed financial contributions to highway

improvements in the local area. In granting the original planning permission the Inspector concluded that a number of conditions would be necessary to mitigate adverse impacts on the highway network including detailed engineering and construction drawings, provisions to prevent severance of the existing Cranford Road until the realignment has taken place, and improvement works to the Church Street/High Street junction and Cranford Road/A6 junction. These conditions remain necessary in mitigating the highway impacts of the development and should be attached to any further planning permission. The Local Highway Authority have raised no objection to the proposals subject to these same conditions being imposed and the same financial contributions being secured by a legal agreement.

### 3. Design, Character and Appearance

The application relates to an outline planning permission with matters of appearance, landscaping, layout and scale reserved for subsequent consideration by the Council. It is not therefore possible to fully assess these matters at this stage however the Council would retain full control over these considerations as Reserved Matters in order to ensure that a high quality scheme which reflects the character and appearance of the area is achieved. The applicant has previously submitted an 'Illustrative Development Concept' plan which indicates how 208 dwellings might be accommodated by the site, along with an 'Illustrative Building Heights' plan suggesting a mix of two and three storey dwellings. Subject therefore to more detailed considerations at Reserved Matters stage, Members should be confident that a high quality scheme can be achieved.

### 4. Impact on the Conservation Area and Listed Buildings

Since the previous grant of planning permission on this site, the Council has reviewed the Conservation Area boundary for Burton Latimer and a revised boundary was formally adopted on 24<sup>th</sup> November 2009. The Conservation Area now extends to the boundary of the site encompassing Bird Street and Woodcock Street within the Church Street Character Area. This area is noted as the historic core of the town including many traditionally built dwellings that utilise natural stone. This area is centred on St Mary's Church which provides a focal point. It is also noted however that Woodcock Street and its immediate surroundings present a differing character of brick built terraces.

The site adjoins the designated Conservation Area; Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". As discussed above, the application is in outline form however there is nothing to suggest that a high quality and appropriate scheme cannot be achieved. The development would undoubtedly alter the setting of the existing properties on the edge of the town but this need not necessarily result in detriment where detailed consideration is given to the scheme at the Reserved Matters stage.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or

historic interest which it possesses”. Listed buildings do stand in the vicinity of the site along Church Street however these are removed from the site boundary and Cranford Road presents a very different character including more modern residential properties. No adverse impacts would result to the setting of listed buildings subject to careful consideration of the ultimate detailed design.

#### 5. Neighboring Amenity

The development will of course result in increased activity along Cranford Road, Church Street and the surrounding area but the proposed use is entirely compatible with the surrounding residential land uses. The submitted ‘Illustrative Development Concept’ drawing indicates the provision of open space to the boundaries with existing residential properties and while this is not a definitive layout, it demonstrates that consideration has been given to impacts upon the existing residents. Again, matters of amenity would need to be fully considered at the Reserved Matters stage when the exact details of appearance, layout and scale are known.

#### 6. Environmental Matters

Concerns were originally raised by the Council’s Environmental Health team in regards to noise impacts on the development, namely from the A6. The submitted Acoustic Assessment notes that the majority of the site falls within Noise Exposure Category B (as defined within PPG24) where “Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. Conditions to secure appropriate mitigation measures would indeed be necessary if dwellings are to be constructed directly adjacent to the A6. As the detailed layout of the site is not yet known, it is important to secure an updated noise assessment along with appropriate mitigation where necessary. It is acknowledged that this was not a requirement of the extant planning permission however it is considered necessary to address this matter if planning permission is to be granted for a further period of time. It has now been more than 3 years since the original assessment and it is important to ensure that appropriate living standards are achieved for future occupants based on current constraints. A condition should therefore be used to secure a further assessment.

The information within the submitted Ground Investigation Report was originally insufficient in regards to ground gases and the Inspector duly attached a condition securing additional information in these regards. This matter remains outstanding and would again need to be secured by condition. Furthermore, the guidance relating to ground investigation has changed significantly since determination of the previous permission. It is therefore considered appropriate to attach an amended condition requiring a further assessment.

#### 7. Flooding and Drainage

A Flood Risk Assessment and Drainage Strategy were submitted in connection with the development. Whilst a number of concerns were raised by third parties in these regards previously, the Inspector concluded that there was no evidence to suggest that the land would be subject to unacceptable flooding or that suitable drainage could not be achieved. It was anticipated that Broadholme Wastewater Treatment Works and the sewerage network would have capacity for the development within 2-4 years as a scheme of improvements was carried out by Anglian Water. A

condition was therefore attached to the planning permission which required a scheme of phasing for the development which would be in line with capacity within the network. Advice from Anglian Water and the Environment Agency again suggests that the development can still be accommodated subject to the same conditions being imposed as with the extant planning permission.

#### 8. Ecology

The original ecological survey submitted with application KET/2006/0603 is now more than 12 months old and as such, can no longer be considered an up-to-date assessment for the purposes of establishing potential impacts on protected species given the transient nature of wildlife. The applicant has therefore submitted a revised assessment (dated November 2010) which concludes that no significant ecological interests would be impacted by the development. The report also notes potential for enhancing biodiversity and a management plan should therefore be secured in line with the previous planning permission. A comprehensive landscaping scheme should also be secured by way of condition.

#### 9. Archaeology

The site lies in an area which has been extensively quarried and the archaeological report previously submitted demonstrates that there is very little potential for the survival of archaeological deposits.

#### 10. Impact on Public Rights of Way

A public footpath runs across the site in an east-west direction from Woodcock Street to the A6. The submitted 'Illustrative Development Concept' makes provision for retention of the footpath within the scheme and this could be given consideration at the Reserved Matters stage.

#### 11. Crime and Disorder

Detailed crime and disorder considerations cannot be undertaken until the detailed design of the development has been submitted through the Reserved Matters process. Northamptonshire Police has made a number of comments regarding potential for reducing crime and anti-social behaviour and these should be considered by the applicant. The Inspector did however consider in determination of the previous application that there was "insufficient reason to conclude that the development would increase the risk of crime or anti-social behaviour in the area".

#### 12. 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. Large schemes such as this application, should demonstrate that residential units delivered 2008-2012 will meet the Code for Sustainable Homes (CSH) level 3 as a minimum; those delivered 2013-2015 will meet CSH code level 4 as a minimum; and those delivered from 2016 onwards will meet CSH code level 6 as a minimum. Furthermore, a target of at least 30% of the demand for energy will be met on-site and renewably and/or from a decentralised renewable or low-carbon energy supply.

The Core Spatial Strategy has been adopted by the Council since the previous planning permission was granted and introduces a new requirement. It is noted that

the extant permission includes conditions requiring a scheme for ensuring water efficiency during construction, and water efficient consumption by occupiers has been submitted, along with a scheme for waste minimisation and re-use during construction, and to provide recycling facilities for residents.

In addition to these requirements, the applicant has submitted a 'Sustainability and Energy Statement'. The document refers to a need for dwellings to meet CSH code level 3 and while this is appropriate for dwellings delivered up to 2012, a condition should be utilised to secure an increased code level if delivery occurs in future years in accordance with policy 14. The use of Solar Thermal Panels is also discussed to contribute towards the on-site energy requirements although no firm proposals are presented to demonstrate achievement of the 30% target, nor is any justification for a lower provision. A further condition is therefore suggested in this regard.

### 13. Developer Obligations

Developer Obligations can be secured by a legal agreement under S106 of the Town and Country Planning Act 1990 where necessary to mitigate the adverse impacts of a development upon local infrastructure and facilities. This recommendation to approve planning permission is subject to a signed agreement being received and members will be updated as to the details of the agreement at the committee meeting. It is however expected that the obligations will address:

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

### Conclusion

The proposed development accords with both national and local planning policy and there are no material planning matters that indicate against the proposal; as such, planning permission should be granted.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Michael Boniface, Development Officer on 01536 534316

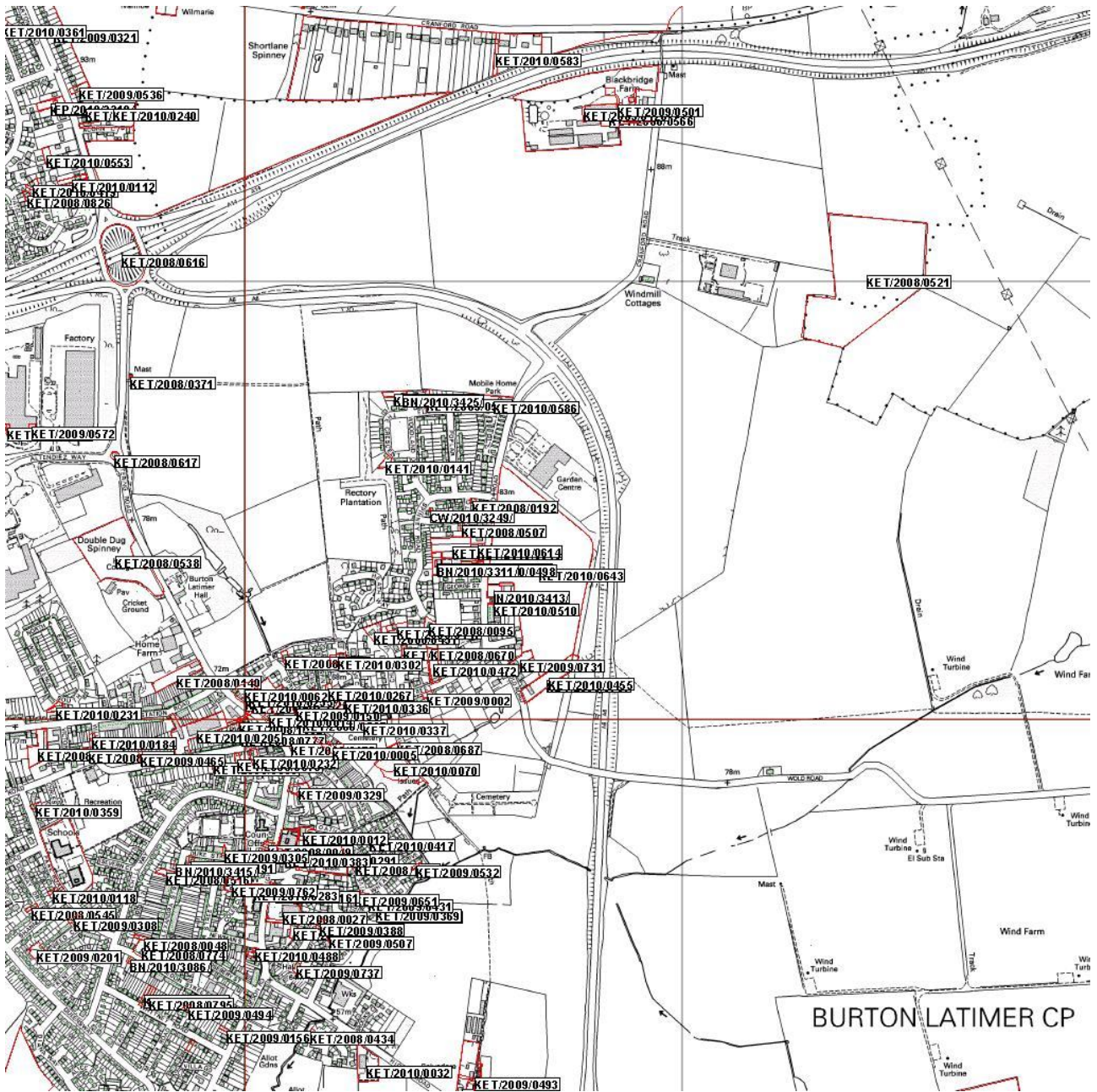
#### **Previous Reports/Minutes**

Ref:

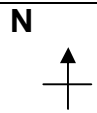
Date:

# SITE LOCATION PLAN

Cranford Road (land off), Burton Latimer  
 Application No.: KET/2010/0643



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