

BOROUGH OF KETTERING

Committee	Full Planning Committee - 01/03/2011	Item No: 5.3
Report Originator	Alex Jelley Assistant Development Officer	Application No: KET/2010/0834
Wards Affected	Burton Latimer	
Location	Bridle Road, Burton Latimer	
Proposal	Full Application: Residential development for 78 no. houses	
Applicant	Westleigh Developments Ltd	

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. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and details:

- Housing Statement (20.12.10)
- Lighting Installation Report (20.12.10)
- Tamlite Total Schedule (20.12.10)
- Ground Investigation Report (20.12.10)
- Extended Phase 1 Habitat Survey (20.12.10)
- Flood Risk Assessment (14.01.11)
- Noise Assessment (14.01.11)
- Utility Statement (14.01.11)
- Design & Access Statement/Sustainability Report (14.01.11)
- SPD Checklist (14.01.11)
- Drainage Statement (14.01.11)
- Existing Tree Report (20.12.10)
- Feasability study 4274/A13 (20.12.10)
- Floor Plans/Elevations 4274/B1 (14.01.11)
- Floor Plans/Elevations 4274/C2 (14.01.11)
- Floor Plans/Elevations 4274/D1 (14.01.11)
- Floor Plans/Elevations 4274/E1 (14.01.11)
- Floor Plans/Elevations 4274/F1 (14.01.11)

- Phase 1, Landscape Proposals 1 of 2 010.894.003 (20.12.10)
- Phase 1, Landscape Proposals 2 of 2 010.894.004 (20.12.10)
- Phase 2 Landscape Proposals 010.894.005 (20.12.10)
- Phase 3 Landscape Proposals 010.894.006 (20.12.10)
- Existing Tree Survey & Root Protection Areas 010.894.001 (20.12.10)

REASON: To ensure a satisfactory form of development in accordance with Policies 2, 28, 39, 45, 46 and 48 of the East Midlands Regional Plan and Policies 5, 13 and 14 of the North Northamptonshire Core Spatial Strategy as well as PPS/PPG 1, 3, 9, 13, 17, 23, 24 and 25.

3. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, 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.

4. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A- 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 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, 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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 work on site shall cease unless if this has been reported in writing 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.

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

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling within 'Phase 2' or the completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The development shall only be carried out in accordance with the submitted Landscape Proposals (Drawing nos. 010.894.003; 004; 005; and 006). No development shall take place on site until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately-owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure a satisfactory form of development in accordance with Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place until a cross-sectional plan of the site, prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

9. Prior to commencement of development a scheme to provide bin storage and recycling facilities for residents 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 minimise waste production and to ensure a satisfactory level of recycling in accordance with PPS1, PPS10, Policy 38 of the East Midlands Regional Plan, the Northamptonshire Waste Local Plan 2003 - 2016 and Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy.

10. No dwellings shall be occupied until the works have been carried out in accordance with the approved surface water strategy and they shall be retained thereafter unless otherwise approved in writing by the local planning authority.

REASON: To prevent environmental and flooding problems arising from the development in accordance with PPS25.

11. No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved strategy unless otherwise approved in writing by the local planning authority.

REASON: In the interests of sustainable development and in accordance with the Development and Implementation Principles SPD (2007) and Policy 14 of the North Northamptonshire Core Spatial Strategy.

12. Prior to the commencement of development an archaeological programme of works 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 details.

REASON: In the interests of archaeological conservation in accordance with PPS5 and policy 13 of the North Northamptonshire Core Spatial Strategy.

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

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

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 and provision for water efficiency and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

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

15. Prior to the commencement of development a scheme detailing the security standards to be incorporated within all openings associated with the development shall have been submitted to and approved in writing by the local planning authority. The submitted details shall accord with the recommendations of Secured By Design and be implemented in accordance with the approved details.

REASON: In the interests of the security and quality of life for future occupiers in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

16. 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. The development shall only be undertaken in accordance with the approved details and they shall be retained thereafter.

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

17. Prior to the commencement of development, full details of the improvements and construction details proposed to Public Footpath UA004, including details of the crossing created by the vehicular access hereby approved shall have been submitted to and approved in writing by the local planning authority. The approved works shall be fully implemented prior to first occupation of the development hereby approved.

REASON: To mitigate against impacts on the existing public right of way in the interests of amenity and permeability in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

18. Prior to the commencement of development hereby permitted capacity assessments of the following junctions to assess the impact of the development on the local highway network, together with any identified mitigation measures 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 details:

- Bridle Road/Station Road
- Station Road/A509
- Polwell Lane/Altendiez Way

REASON: To ensure a suitable relationship with the highway network in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and PPG13.

19. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

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

20. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the South elevation of Plot 78.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

21. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A of Part 1 of Schedule 2 of the Order shall be constructed on Plots 4-7, 15-21, 46-49, 59, 61-64, 71 and 72.

REASON: To preserve the amenity of the occupiers of adjoining properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and PPG13.

23. During the construction phase, no vehicle shall enter/leave the site between the hours of 19:00 and 07:00 on Mondays to Saturdays and 19:00 to 09:00 on Sunday

unless otherwise agreed by the Local Planning Authority.

REASON: To protect the amenity of neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

24. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority an Ecological Management Plan. There shall be no development on site other than in accordance with the approved plan.

REASON: To ensure the sympathetic management of biodiversity assets on the site in accordance with the aims of Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy and PPS9.

Notes (if any) :-

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

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 3, 9, 13, 17, 23, 24 and 25, Policies 2, 3, 28, 39, 46 and 48 of The East Midlands Regional Plan, Policies 1, 5, 6, 7, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 35 of the Local Plan for Kettering Borough. The issues relating to amenity, infrastructure provision, drainage, biodiversity, crime and traffic generation are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

Officers Report

3.0 Information

Relevant Planning History

None relevant

Site Description

Officer's site inspection was carried out on 09.02.2011

The application site consists of land that was once used as the Alumasc Ltd social club and sports pitches. The buildings on the site have been demolished, leaving only concrete plinths and the outline of them. The pitches have been churned up, and various shrubs and small trees have established themselves across the site. It is fenced off from the surrounding land with low-quality chicken-wire and concrete post fencing. On two sides, the Northwest and Northeast boundary, the site adjoins existing residential properties on Bridle Road and Mallard Drive. To the South of the site is open countryside, which also benefits from various footpaths- formal and informal in nature. The River Ise runs along the bottom of the valley to the Southwest, and incorporates a country park along its banks.

The residential development to the East and North of the site benefits from a range of different house types, sizes and design. Bridle Road itself has maisonettes, bungalows, two storey dwellings, of both a detached and semi-detached nature. Further to the North are the Weatabix factory and Alumasc, and then the Morrison's distribution centre. The town centre lies to the East, and is roughly 15 minutes walk away. There are various bus routes along Station Road and Bridle Road/Queensway.

Proposed Development

This application seeks permission for residential development of 78 dwellinghouses on land of approximately 2.77 hectares at Bridle Road in Burton Latimer, giving a net density of 28 dwellings per hectare.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Burton Latimer Town Council

Objection. The following points were raised:

- Burton Latimer Town Council for planning feels strongly that this area should mainly be retain for sports facilities and we would refer to the recent sports and leisure survey
- We would also be looking at retaining a large portion of this site to be kept as a full size football pitch with a junior one along side, since this area was originally for sports associated recreation.
- To accommodate the area mainly for sports activities we feel any dwellings built should be kept to the East and Northern perimeters and

- should be of high quality build limited between 16 and 25
- This area should not be subjected to an extremely high 90% density of undesirable affordable housing.
- High density affordable housing is not in keeping with remaining residential area which is mainly bungalow and executive villas style dwellings that are privately owned.
- Access from this site on to end of Bridle Road would be inadequate as the majority of residential traffic would need to access Nene Road or Regent Road leading to Glebe Road and Park Road which are not suitable to take the extra traffic increase caused by such high density housing development.
- Part of the Bridle Road being one way will cause congestion from the traffic increase into this area which is only one car width wide where residential cars can be parked making passing extremely difficult
- Privately owned non adopted shared roadway to parking bays within the proposed development will not be suitable for affordable housing residents as residents will not be able to afford the upkeep therefore this areas could become quickly rundown and undesirable eyesores, which may also increase and encourage the risk of criminal behaviour
- Water run off from this site will add to the existing flooding problems to the fields which would adversely effect the Pocket Park
- We should also be mindful to the disruption of the wildlife that inhabits this area such as: Nesting Red Kites, Badgers, Foxes, Great Crested Newts, Bats and Dear. We should be looking at preserving their natural habitat, where development causes the least impact.
- Schools within Burton Latimer are at capacity now and with other planning applications that have now been passed they will be under too much strain to handle any more increase.
- Burton Latimer was expected to build 700 new dwellings by 2021, to date we have built or waiting to be built a total sum of 954 dwellings that's over 36% increase on the total required to 2021
- Northamptonshire Regional Strategies Plan scrapped so that the land requirements are now to be non existent. The High Court has confirmed that the intended scrapping of Regional Strategies is a material consideration that local authorities can take in to account.

These concerns are addressed within Section 7.0 of the report below, where they constitute material planning considerations.

Neighbours

At time of writing this 12 letters have been received from neighbours. These raised concerns relating to the following issues:

- Traffic frequency increase will overload the local highway network
- Safety of driveway at No. 44 Bridle Road
- Visibility issues relating to access point
- S106 contributions towards pelican crossings on High Street are a waste of money – it would be better spent on traffic calming measures on Bridle Road/Queensway
- There should be a connection through to the Kingfisher Way development
- Potential overlooking of properties backing onto the site

- Will there be adequate fencing between new and existing dwellings?
- There is too much housing being approved in Burton Latimer – knock on effect on schools and health service
- S106 does not refer to which schools are to benefit from the contributions
- The medical centre will require additional funding
- The house types proposed are out of keeping with the character of Bridle Road
- The trees along the public footpath should be protected.
- Loss of ecosystems
- Impact on flooding and drainage
- Light pollution
- Loss of light in existing properties
- Loss of value of existing properties
- Overprovision of affordable units means the development will be out of character

These issues, where they concern material planning considerations, are addressed in full within Section 7.0 of the report.

Highway Authority

No objection. Request condition/Obligation relating to:

- An assessment and potential mitigation measures if required at three junctions: Bridle Road/Station Road, Station Road/A509 and Polwell Lane/Altendiez Way.
- A contribution of £90,000 towards an improved bus service in Burton Latimer.

These issues are addressed fully within Section 7.0 of this report.

Police

No objection. Concern about UA004 footpath that runs along the South-East boundary of the site. Request that details of security measures are secured via condition. These matters are fully explored below.

Natural England

No objection. Recommend conditions relating to site clearance not occurring between March and August and that development to be carried out in accordance with the recommendations made within the Habitat Survey submitted with the application. These issues are addressed in Section 7.0 of this report.

Anglian Water

No objection. Request conditions relating to foul water and surface water strategies. This is further discussed within Section 7.0 below.

Community Services

No objection. Request S106 contribution towards enhancing community infrastructure off site.

NCC Development Management

No objection. Request S106 contributions towards library service, fire and

rescue and education. Also request condition requiring fire hydrants to be incorporated within the development.

Environmental Health

No objection. Request conditions relating to contaminated land, noise and a method statement for the construction phase. These issues are fully covered within Section 7.0 of the report, below.

Housing

Supportive. The development will provide much needed affordable housing units and is deliverable within the next financial year.

NCC Walking and Cycling

No objection. Recommend that a Travel Plan is brought forward for the development. Request Grampian condition requiring upgrade of footpath between Polwell Lane and Station Road as far as Glebe Road. Issues are addressed within Section 7.0 of the report.

NCC Archaeology

No objection. Recommend condition relating to Archaeological Programme of Works. This issue is addressed within Section 7.0 of the report.

PCT

No objection. Request S106 contribution towards ensuring that local health services are capable of meeting the demands of the development.

Wildlife Trust

No objection. Recommend conditions relating to Ecological Management Plan and link to findings contained within the Habitat Survey. These issues are addressed within Section 7.0 of the report.

5.0 Planning Policy

National Policies

PPS1. Delivering Sustainable Development

PPS3: Housing

PPS5. Planning and the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13. Transport

PPG17. Sport and Recreation

PPS23. Planning and Pollution Control

PPG24. Planning and Noise

PPS25. Development and Flood Risk

East Midlands Regional Plan

Policy 1. Regional Core Objectives

Policy 2. Promoting Better Design

Policy 3. Distribution of New Development

Policy 13b. Regional Housing Provision (Northamptonshire)

Policy 14. Regional Priorities for Affordable Housing

Policy 28. Regional Priorities for Environmental and Green Infrastructure
Policy 29. Priorities for Enhancing the Region's Biodiversity
Policy 35. A Regional Approach to Managing Flood Risk
Policy 38. Regional Priorities for Waste Management
Policy 39. Regional Priorities for Energy Reduction and Efficiency
Policy 45. Regional Approach to Traffic Growth Reduction
Policy 46. A Regional Approach to Behavioural Change
Policy 48. Regional Car Parking Standards
Policy MSM SRS Northamptonshire 4 – Corby, Kettering and Wellingborough

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements
Policy 5. Green Infrastructure
Policy 6. Infrastructure Delivery and Developer Contributions
Policy 7. Delivering Housing
Policy 9. Distribution & Location of Development
Policy 10. Distribution of Housing
Policy 13. General Sustainable Development Principles
Policy 14: Energy Efficiency and Sustainable Construction
Policy 15. Sustainable Housing Provision

Local Plan

35. Housing: Within Towns

SPDs

Open Space Supplementary Planning Document

6.0 Financial/Resource Implications

Planning Obligations will be required as part of the development proposals as it is a major development. Financial contributions have been sought in respect of community services, libraries, fire and rescue, education, health and bus services as detailed below.

7.0 Planning Considerations

The key issues for consideration in this application are:-

- A. Principle of Development
- B. Design and Layout
- C. Highways
- D. Environmental and Ecological
- E. Amenity
- F. Crime
- G. Sustainable Construction and Energy Efficiency
- H. Archaeology
- I. Developer Obligations

A. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with

the Development Plan, unless material planning considerations indicate otherwise.

National policy in the form of PPS1 and PPS3 promote sustainable development for residential purposes on previously developed land within town boundaries. The application site is considered to be previously developed land, and lies within the town boundary. Furthermore, PPS1 and PPS3 place an emphasis on making the most efficient use of such land; in order to ensure that as little development as possible occurs within the open countryside. Residential development that accords with the detailed matters contained within the Development Plan and discussed below should therefore be encouraged. This approach is echoed by Saved Policy 35 of the Local Plan for Kettering Borough.

PPS3 also states that local 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.*" Though the Council has been working hard to demonstrate a five year land supply, at this point it is unable to do so. This has been established clearly within recent appeal decisions within the Borough. The appeal decision on KET/2009/0546 referred to the Council having a 4.6 year land supply, and while this is close to the required minimum, PPS3 provides a clear emphasis that applications should be viewed favourably where the 5 years cannot be demonstrated. This is an important material planning consideration and should be afforded significant weight in favour of granting planning permission.

However, a recent judgment in the high Court case brought by CALA Homes (against the Secretary of State) has now confirmed that the intended scrapping of regional strategies is a 'material consideration' which can be considered by local planning authorities and planning inspectors when making decisions. Accordingly, the intention to reduce housing targets in the Joint Core Strategy (as set out in the Statement of Intent and now also in the Issues Paper) can start to be taken into account as a material consideration, although the weight to be given to this (set against the RSS, which for the time being remains) will depend on the individual circumstances of an application. Taking into account the intention to reduce housing targets for Kettering, by stretching the target of 13,100 to 2026 rather than 2021, would have the effect of increasing Kettering Borough Council's housing land supply.

The application site comprises 60 affordable housing units and 18 market housing units. Funding is in place at the value of £1.848m to deliver the site within the next year. This will help significantly with housing delivery within the Borough, and specifically within Burton Latimer, in line with Policy 7 of the CSS, which seeks to ensure that a deliverable 5 year supply of housing site is maintained. It will also help to meet the affordable housing targets set out within Policy 14 of the East Midlands Regional Plan (EMRP).

Policies 1 and 9 of the Northamptonshire Core Spatial Strategy (CSS) indicate that Burton Latimer is a 'Smaller Town' and therefore should provide a secondary focal point for development and that this development will be specifically within urban areas. Policy 10 of the CSS establishes that modest growth should occur within Burton Latimer and an indicative housing requirement of 700 dwellings from 2001-21 is set. According to the records kept by Kettering Borough Council, up to the end of March 2010, 881 dwellings had gained approval or been completed. The recent planning permission at Hawthorn Road (KET/2010/0654) has increased this figure by 80 to 961 dwellings, and if approved, this application would increase it by a further 78 to 1039.

Policy 13b of the East Midlands Regional Plan (EMRP) enables local planning authorities to set higher housing numbers than those provided within the CSS or EMRP subject to these higher figures being tested through Development Plan documents.

The inspector in a recent public inquiry, KET/2010/0390, for development at Hawthorn Road comprising 80 dwellings, concluded that there was no evidence to suggest an overprovision of dwellings within the town would be detrimental to the town, its infrastructure or facilities. Indeed, the inspector argued that existing services, facilities, public transport and other infrastructure would be enhanced by S106 contributions to a degree that would ensure that development would be suitable. The statutory consultation responses and those from service providers received on the application at Bridle Road would appear to agree with this stance, as there are no objections, subject to specific contributions being sought and conditions being attached.

The application consists of residential development on previously developed land within the town boundary of Burton Latimer. The Council cannot demonstrate a 5 year land supply against the Development Plan targets but the intention to reduce these targets can be a material consideration. PPS3 is clear that where a 5 year land supply cannot be demonstrated, planning applications should be viewed favourably subject to consideration of the detailed matters discussed below. Although the intention to reduce the targets can be taken into account, this is not considered to outweigh the presumption in favour of development on this site within the town boundary on previously developed land. This is considered to be a strong material consideration in favour of development.

B. Design and Layout

The proposed layout envisages a looped road with a central block of housing and further housing along the North and East boundaries. This approach enables the development to take account of the constraints placed on the site by existing development that backs onto the site by ensuring that the new development is positioned back-to-back with the existing dwellings. It also ensures the benefit from a high degree of active street frontages; something further enhanced by the presence of road side parking bays in front of some of the dwellings and a proactive approach to building design on three of the

corners; with dwellings wrapped around the bend. Indeed the area of public open space will also benefit from a high degree of active surveillance as plots 1-6 and 42-59 all face onto it.

The development will provide a rough split of mostly 2 and 3 bed properties, though there are also two no. 4 bed dwellings. The dwellings are mostly of two storey design, though there are also some three storey properties (plots 74 and 75) and some bungalows (plots 30-33). The housing offers a variety of types, scales and designs, which will create a very strong sense of place. While somewhat dissimilar to the existing dwellings on Bridle Road and the surrounding streets, the variety of house types within those streets make it difficult to follow it through. That being said, the existence of the four no. bungalows within the development provides a welcome connection to Bridle Road. The precise designs utilise a mixture of facing bricks and rendered finishing, with grey roof tiles and chimneys. The precise choice of materials will need to be approved via condition, to ensure that the finished development is entirely suitable. A variety of different approaches to porch design lends a distinct character to each of the dwellings.

Though providing 2 parking spaces per dwelling across the site, the proposed development does not feel parking-dominated. The parking is found within road-side parking bays and private drives attributable to specific dwellings. The omission of rear courtyard parking areas is beneficial to the scheme, and enables space to be better used. The amount of private amenity space provided for each of the dwellings is considered adequate. Furthermore, the provision of such a large area of public open space within the development will ensure that all residents have access to a decent degree of amenity land. The public open space will also provide a pleasant buffer between the built form and the open countryside that exists to the South and West of the site. Little information is included as to the landscaping of this area, however, and this information will need to be secured via condition. It will be important that the site has a suitable relationship with the land immediately adjacent to it. Otherwise, landscaping details have been submitted for the areas immediately surrounding the dwellings, and the provisions are considered to represent an agreeable arrangement.

The proposed layout and housing design are considered to be entirely appropriate for the context of the site, and will provide a permeable and distinct development. The application therefore accords with those elements of PPS1, PPS3, Policy 2 of the EMRP and Policy 13 of the CSS that have regards to matters of design, character and layout.

C. Highways

In accordance with PPG13 a Transport Assessment was submitted as part of this planning application. A programme of works to mitigate against the affects of the development has been agreed. Under the revised scheme conditions would be placed on the approval securing an assessment, and any necessary mitigation measures required, of three junctions: Bridle Road/Station Road, Station Road/A509 and Polwell Lane/Altendiez Way. The applicant will also need to provide cantilever bus shelters at bus stops within Burton Latimer – the

number and location of these to be agreed. Finally, a scheme for improving parking on High Street in Burton Latimer will also be agreed. Further to this, a S106 contribution is sought towards an improved bus service for residents of Burton Latimer. As a result of this approach, the Highway Authority holds no objection to the proposed scheme.

Consultation responses have raised concerns about a number of highways-related issues. These are material considerations and have been assessed as such in relation to the relevant policies and advice from the Highways Authority. With regards to the safety of the users of existing roads and drives, as the Highways Authority has no objection, it would be difficult to argue that the development would result in a detrimental impact. Indeed, the introduction of an access point onto Bridle Road will arguably have the effect of slowing traffic down – as cars turning into and out of the site will inevitably be driving more slowly. Concerns about the ability of the highway network to accommodate the increased frequency of traffic generated by the site, and about the originally proposed works to pelican crossings in High Street, are offset by the recommended mitigation measures discussed above.

From a connectivity/permeability perspective an additional link through to the adjoining 'Kingfisher Way' development to the North would be a positive thing. However, having assessed the boundary between the two sites, it is clear that such a link is not feasible. The land along the boundary is entirely in private ownership and used as garden where there are no buildings. As a result it is considered that the proposals make the best use of existing links, enhancing them where possible. The Walking and Cycling Officer at NCC has no objection to the scheme either. Contributions to the bus service, and enhanced links with the existing Public Footpath 004 will ensure that the development promotes a modal shift away from private car usage and towards more sustainable modes of transport.

As a result of the above, it is considered that the proposals accord with the guidance contained within PPG13, as well as the Highway-orientated criteria set out within Policies 45, 46 and 48 of the EMRP and Policy 13 of the CSS.

D. Environmental and Ecological

Due to underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site is necessary to assess the extent of contamination which will then inform a remediation scheme. This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with PPS23.

In determining planning applications, local planning authorities must ensure that development is supported by site specific flood risk assessments. The application site is not within a flood zone. Anglian Water were consulted on this

application, and have expressed satisfaction with the submitted Surface Water Strategy/Flood Risk Assessment. Thus a condition requiring development to be in accordance with the submitted strategy is included. With regards to foul water drainage, a condition will require a strategy to be submitted and approved prior to commencement of development. This will ensure that the site fully accords with PPS25.

PPS9 requires local planning authorities to take measures to protect the habitats of protected species from decline, and ensure species are protected from the adverse effects of proposed development. Furthermore, opportunities to maximise biodiversity features as part of good design should be promoted. Policy 29 of the EMRP alongside Policies 5 and 13 of the CSS supports the approach to conserve and enhance. The application is supported by the submitted 'Extended Phase 1 Habitat Survey', which concludes that the site has a low ecological importance. Furthermore no evidence of Protected Species occupancy or dependency on the site was noted. The findings of which are deemed acceptable by Natural England. They have, however, recommended that conditions are attached to the permission to ensure accordance with the report's recommendations. The Wildlife Trust also has no objection to the scheme, subject to the imposition of conditions regarding the Habitat Survey's recommendations, and also an Ecological Management Plan. It is considered that these are necessary to ensure that the development accords with Policy 5 and 13 of the CSS, as well as PPS9.

E. Residential Amenity

The application site adjoins existing residential properties on Bridle Road and Mallard Drive to the East and North respectively. The layout has clearly been designed to address this, and all existing properties will benefit from a back-to-back relationship with the proposed dwellings. The shortest distance window to window would be approximately 18 metres (Plot 3 to No. 19 Mallard Drive).

The design of the dwellings occupying these positions, along with their scale and positioning, enables the development to refrain from causing any loss of privacy or loss of light. Furthermore, there are no concerns relating to the relationship between proposed dwellings within the site. All of the dwellings will benefit from an acceptable degree of natural light, none will be overlooked to a degree that would cause a lack of privacy and there are no overbearing relationships between plots. A condition requiring boundary treatments will aid this, as will another condition requiring cross-sectional drawings indicating existing and proposed finished floor levels. Finally, it is considered necessary to remove Permitted Development Rights on a number of the plots, so as to ensure that no future concerns arise.

Environmental Health has no objection to the scheme, though conditions relating to mud deposits from construction traffic, the times during which construction traffic can enter the site and ensuring accordance with the submitted noise report are sought. It is considered that these conditions are necessary to ensure that the development is suitable with regards to the amenity of existing and/or future occupiers of adjoining properties, as well those future occupiers of the proposed dwellings.

As a result of the above, the application is considered to be in accordance with Policy 13 of the CSS in so far as it has regard to matters of amenity.

F. Crime

Crime, and the fear of crime, is material planning considerations.

Northamptonshire Police have no objection to the scheme, but raised specific concerns relating to security measures. Firstly the Public Footpath UA004 runs alongside the site, and would be immediately to the rear of the gardens of plots 34-44. It is considered that the secondary surveillance afforded to the footpath by the rear elevations of these plots, coupled with that from the existing dwellings on Bridle Road, would improve the situation. However, to ensure that the footpath remains clear and as well lit as possible, a condition requiring details of works to improve the footpath is included. A further condition requiring boundary treatments to be submitted will also ensure that Plots 34-44 benefit from an acceptable level of security. As discussed above, this will also enable the developer to indicate how they intend to deal with the crossing of the proposed access road. It is also suggested that the development should achieve the 'Secured by Design' standard; a suitable condition is therefore attached.

G. Sustainable Construction and Energy Efficiency

Policy 14 of the CSS, alongside policy 39 of the EMRP and PPS1, requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All development should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency. Furthermore, as this application is for more than 10 dwellings, it should demonstrate that 10% of the demand for energy will be met on-site and renewably and/or from a decentralised renewable or low-carbon energy supply. Though reference to these matters is made within the submitted 'Design and Access Statement and Sustainability Report', not enough clarification of precisely how the development will meet the requirements is present. As a result, conditions will be attached to require an acceptable level of information prior to the commencement of development.

H. Archaeology

Romano-British finds are recorded on the North side of Station Road and on the East side of Bridle Road. These findings suggest possible occupation of the area, and therefore there is the potential that remains of archaeological interest have survived on the site. Clearly the proposed development will have a detrimental impact on any archaeological deposits present. Any detrimental impact can, however, be sufficiently mitigated against via condition to enable development to take place. In this instance a condition requiring an Archaeological Programme of Works is considered necessary and reasonable to meet the requirements of PPS5 and Policy 13 of the CSS.

I. Developer Obligations

This is a major application for 78 dwellings within Burton Latimer. Where the need for infrastructure arises from the development, the developer has an

important role to play in funding and delivery. Financial contributions are required to offset the impact the development will have upon the wider area and local services and facilities in accordance with Policy 6 of the CSS. Planning obligations therefore allow for necessary improvements to be made to key facilities. As this application involves 60 affordable housing units out of the 78 new dwellings proposed, the total contributions being sought are significantly lower in some respects than those which would be required for market housing. The Primary Care Trust, for instance, is not seeking financial contributions for the affordable housing units within this development as they reason that the occupants of the new affordable units will be from the existing population within the Borough and will not therefore result in an additional resource burden.

The following contributions are required:

- Fire and Rescue (£7,176)
- Libraries (£4,954)
- Education (£82,992)
- Community Services (£77,619)
- PCT (£15,840)
- Highways (£90,000)
- 5% Monitoring Fee

In addition to the financial contribution for Community Services, the developer is also proposing an area of Public Open Space within the site. This has been agreed with the Council to be an acceptable form of on site provision.

The recommendation to approve planning permission is therefore subject to appropriate Developer Obligations being secured. In the absence of such obligations, planning permission should be refused.

Conclusion

Subject to a number of conditions and Planning Obligations, the application is in accordance with the Development Plan and there are no material planning considerations that would indicate against approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alex Jelley, Assistant Development Officer on 01536 534316

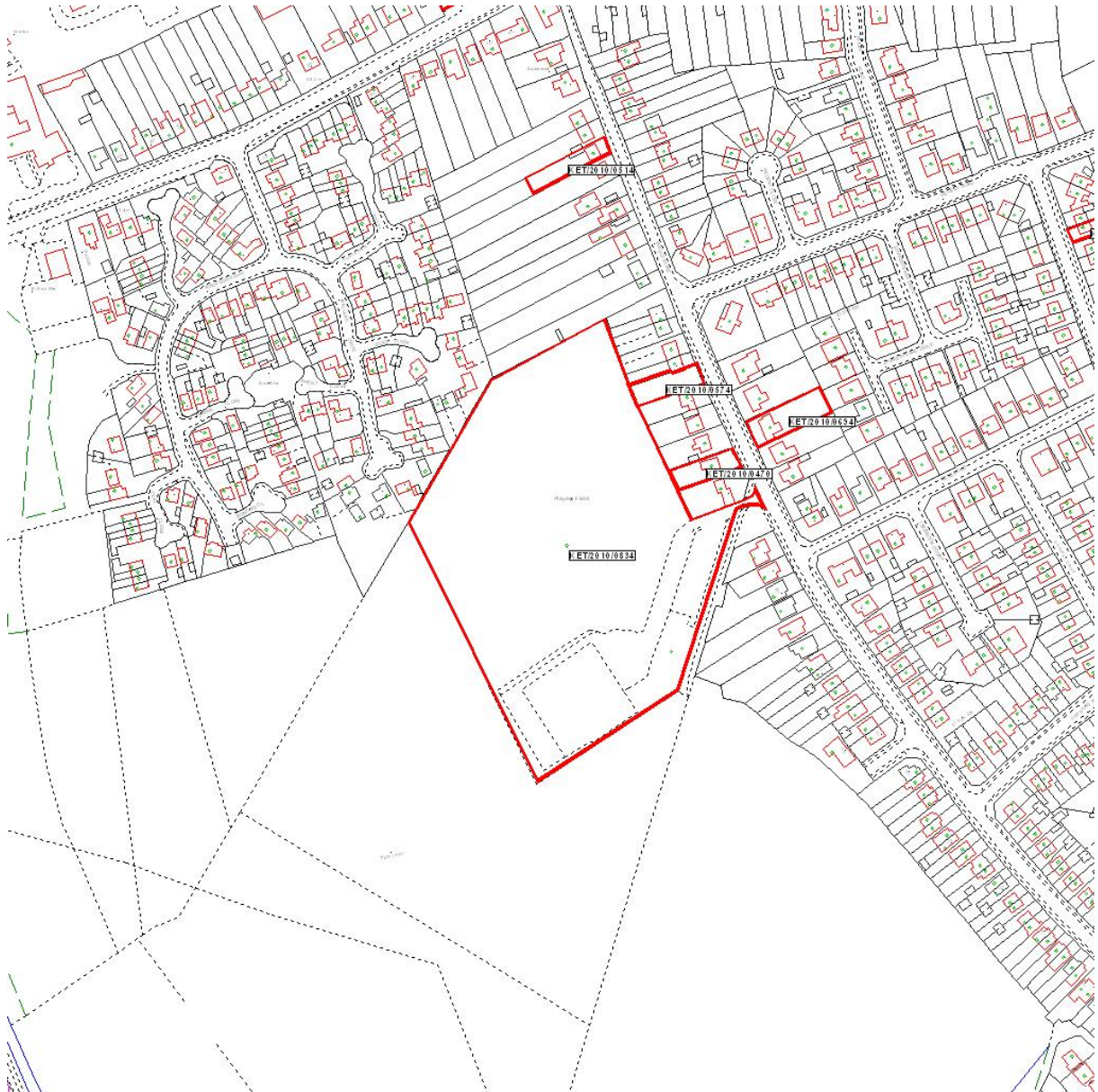
Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Bridle Road, Burton Latimer
Application No.: KET/2010/0834



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

LA078344

Date: 22/12/2010

Do not scale from this map. For illustrative purposes only.

