

BOROUGH OF KETTERING

Committee	Full Planning Committee - 13/03/2018	Item No: 5.1
Report Originator	Richard Marlow Senior Development Officer	Application No: KET/2017/0786
Wards Affected	Burton Latimer	
Location	51 Finedon Road, Burton Latimer	
Proposal	s.73 Application: Removal of conditions 9 and 10 of KET/2012/0511, in relation to renewable energy and energy efficiency	
Applicant	Chrome (Services) 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 the following Condition(s) and a signed legal agreement which ensures that the S106 contributions previously secured are tied to any new consent:-

1. The development hereby permitted shall commence before the expiration of 2 years from the date of approval of the last of the reserved matters KET/2017/0222 approved 19/06/2017.

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.

2. The development shall be constructed of the following materials:

- Walls - Istock Monaco Royale
- Roof tile - Marley modern interlocking tile, smooth grey.
- Rainwater goods - white UPVC
- Fascia - white UPVC
- Windows - white UPVC

REASON: In the interests of the visual amenities of the area in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

3. The development shall be carried out in accordance with plan Schematic Drainage Plan 7664/103 Rev approved through AOC/0511/1201 which details existing ground levels and finished floor levels.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

4. The development shall be carried out in accordance with Phase 1 and Phase 2 environmental Assessment report (report reference CCL03005.CE88 dated September

2017 by Crossfield consulting) and supplementary ground investigation report by Crossfield consulting dated November 2017.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

5. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

6. Bin and cycle stores shall be provided prior to first occupation of the development in accordance with drawing LAND/P001 approved through AOC/0511/1201 and shall be permanently retained in that form for the purposes of storing bins and cycles only.

REASON: To ensure adequate amenities are provided for this development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

7. The landscaping shall be completed and maintained in accordance with the following plans and documents approved in respect of KET/2017/0222:

- Planting maintenance schedule 636-51-PM001 received 14.3.17
- Planting plan area 1 636-51-PP001 received 14.3.17
- Planting plan area 2 636-51-PP002 received 14.3.17
- Landscape plan LANDP001 received 14.3.17

The works approved shall be carried out in the first planting and seeding seasons following the first occupation of a dwelling 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 8 of the North Northamptonshire Joint Core Strategy.

8. Trees and hedgerows shall be protected in accordance with the report by B.J. Unwin Forestry Consultancy approved through AOC/0511/1201. The development shall not be carried out other than in accordance with these approved details and the protection measures shall be retained throughout the construction phase. No excavations, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.

REASON: To avoid detriment to the adjacent tree in the interests of visual amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

9. The development shall be carried out in accordance with the findings and recommendations set out within the Brooks Ecological Report (reference R-3023-01 dated September 2017) approved through AOC/0511/1201.

REASON: To protect ecological interests within the site in accordance with policy 4 of the North Northamptonshire Joint Core Strategy.

10. No occupation or use of the site shall commence until visibility splays of 2.4 metres by 43 metres have been provided at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

REASON: In the interests of highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

11. No development of the roads, footways and accesses shall take place on site until details of the width, alignment, gradient, sight lines and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of a dwelling.

REASON: To ensure that the roads are constructed to a satisfactory standard in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, E or F of Part 1 of Schedule 2 of the Order shall be constructed within the curtilage of plots 8, 9, 10, 11, 12, 13 or 14 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid the risk of flooding in accordance with policy 5 of the North Northamptonshire Joint Core Strategy.

13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no means of enclosure permitted by Class A of Part 2 of Schedule 2 of the Order shall be constructed within the curtilage of plots 8, 9, 10, 11, 12, 13 or 14 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid the risk of flooding in accordance with policy 5 of the North Northamptonshire Joint Core Strategy.

14. The development shall be carried out in accordance with the approved Flood Risk Assessment reference 80221 approved through KET/2017/0222.

REASON: To ensure satisfactory fluvial and surface water flood risk management in accordance with policy 5 of the North Northamptonshire Core Spatial Strategy.

15. No building works which comprise the erection of a building required to be served by water services shall commence until details of a scheme, including phasing and future management and maintenance arrangements, for the provision of mains foul water drainage has been submitted to and approved in writing by the local planning authority. The works shall be implemented prior to the occupation of any buildings within the relevant phase(s) of the development.

REASON: To avoid the risk of flooding in accordance with policy 5 of the North Northamptonshire Joint Core Strategy.

16. All dwellings shall achieve a water efficiency target of 110 litres per person per day as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

REASON: To limit the use of water in an area of water stress in accordance with policy 9 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2017/0786

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2017/0222 Landscaping in respect of KET/2012/0511 (reserved matters).
Approved 19/06/2017

KET/2012/0511 Outline Application 21 no. dwellings (only landscaping reserved). Approved 21/03/2016

KET/2009/0362 – 21 dwellings – REFUSED 18/09/2009

KET/1991/0611 – 10 bungalows – APPROVED 15/10/1991

KET/1990/0144 – 20 bungalows – APPROVED 10/04/1990

KET/1989/1224 – 22 bungalows – WITHDRAWN 09/02/1990

KET/1989/0186 – 15 bungalows – APPROVED 11/05/1989

Site Description

The site is located on the edge of Burton Latimer, within the settlement boundary for the town. The site was previously occupied by a detached bungalow set within a large site measuring 0.7Ha, however the dwelling has been demolished and the site is cleared in preparation for development approved through KET/2012/0511 and the subsequent landscaping reserved matters. A hedgerow runs along the southern boundary, beyond which is a public footpath. A small stream runs along the eastern boundary amongst a dense tree screen. The northern boundary is defined by a 1.8m close boarded fence and separates the adjacent modern development. The site slopes steeply downwards to the east.

Proposed Development

The applicant is seeking to remove conditions 9 and 10 of KET/2012/0511, in relation to renewable energy and energy efficiency

9. Prior to the commencement of the development hereby permitted, a scheme for generating 10% of the predicted energy requirement of the development on-site or from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

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

10. *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/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

Any Constraints Affecting the Site

C Road

Public Right of Way adjacent

Tree Preservation Order

Flood Plain adjacent

4.0 Consultation and Customer Impact

Burton Latimer Town Council

The Town Council views this as largely a legal matter. The expectations of the community would be that the renewable energy and energy efficiency factors that are applicable should be met.

Neighbours

Two third party objections stating:

- The removal of condition 9 and 10 would contravene policy 14 of the North Northamptonshire Core Spatial Strategy.
- The Council must uphold the strategy to secure the demand for energy efficiency and sustainable development in our area.
- It is important that renewable energy targets are met; the targets set out in policy 14 have been deemed to be achievable and do not put undue burdens on the developer.
- It is also important to minimise waste generation and encourage re-use and recycling to limit environmental impacts.

5.0 Planning Policy

National Planning Policy Framework

Core principles

Policy 6 Delivering a wide choice of quality homes

Policy 7 Requiring good design

Policy 11 Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 3 – Landscape Character

Policy 4 – Biodiversity and Geodiversity;

Policy 8 – North Northamptonshire Place Shaping Principles;

Policy 9 – Sustainable Buildings;
Policy 10 – Provision of Infrastructure;
Policy 11 – The Network of Urban and Rural Areas;
Policy 15 – Well-connected Towns, Villages and Neighbourhoods;
Policy 28 – Housing Requirements;
Policy 30 – Housing Mix and Tenure.

Saved Policies in the Local Plan for Kettering Borough

35 – Housing: Within Towns

6.0 Financial/Resource Implications

The Section 106 agreement attached to the outline permission secures contributions towards education, open space, community centre and affordable housing. A legal agreement is required alongside this application to ensure that the contributions previously secured are tied to any new consent.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Renewable Energy and energy Efficiency
3. Other matters

1. Principle of development

The principle of residential development was established through approval of the outline planning application KET/2012/0511 and the approval of reserved matters through application KET/2017/0222. Since those decisions were made there has been no change in policy or material considerations which alter the acceptability of residential development of this site.

2. Renewable Energy and Energy Efficiency

As set out above the application seeks to remove conditions 9 and 10.

Importantly since the granting of outline planning permission, the North Northamptonshire Core Spatial Strategy has been replaced by the North Northamptonshire Joint Core Strategy (JCS). The JCS explains how following a comprehensive review designed to reduce cost burdens and complexity the Government has decided that technical standards relating to housing will be consolidated into the Building Regulations and accompanying Approved Documents. Energy efficiency and carbon compliance for individual homes will be covered in this way, with no provision for local variation. However, National Planning Practice Guidance emphasises the role of planning in reducing energy use through building orientation and form. Also in respect of water use North Northamptonshire is classified by the Environment Agency as an area of water stress.

The National Planning Practice Guidance was updated in March 2015 to reflect the Ministerial Statement of 25 March 2015. With regards to energy, water, waste, security and access, the Ministerial Statement confirmed that these would now be addressed through the Building Regulations and new technical standards. For those existing planning consents, the Government confirmed that developers could liaise with the local planning authority to amend or remove the via a S.73 (variation of condition) application.

Policy 9 of the JCS therefore recognises that sustainability standards need to be applied flexibly to ensure that developments are viable. Development should incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit water use and accordingly a condition is recommended to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standard 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition).

One objection to the proposal highlights the importance of minimising waste generation and encouraging re-use and recycling to limit the environmental impact. The scheme, which consists of 21 dwellings, would be served by the Borough Council's refuse and recycling service for households which comprises of 3 bins comprising household waste, green waste and recyclables together with a box for recycled paper, and consistent with households across the Borough would be provided with every opportunity to minimise waste and maximise recycling.

The change in development plan policy and government policy regarding how energy efficiency and carbon compliance for individual dwellings will be managed provides the justification for the removal of the two conditions previously attached to the outline consent. In accordance with the adopted JCS and recent housing permissions a condition will be added to ensure compliance with water use standards set out within policy 9.

3. Other Matters

This S73 application creates a new standalone permission and therefore the planning conditions from the original application have been reattached and updated to reflect previously agreed details, ensuring an appropriate form of development

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Richard Marlow, Senior Development Officer on 01536 534316