

Mr S Watkins
Thamesway Properties Ltd
15 Main Street
Worfield
BRIDGNORTH
Shropshire
WV15 5LF

www.kettering.gov.uk
E-mail: planning@kettering.gov.uk

NOTICE OF APPROVAL

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

REFERENCE No: **KET/2009/0587**
APPLICANT: **Mr S Watkins Thamesway Properties Ltd**
DEVELOPMENT: **Residential development of 21 no. dwellings**
LOCATION: **51 Finedon Road, Burton Latimer**

KETTERING BOROUGH COUNCIL, having considered a valid application submitted on 30 September 2009, for the above development in pursuance of their powers under the above mentioned Acts, with the following justification, that:-

The Proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 3, 9, 13, 15, 22, 23 and 25, Policy 2 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 K14 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

GRANT OUTLINE PERMISSION

for the development as described and in accordance with the application and plans submitted, subject to the following conditions:-

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

REASON: In order to secure a satisfactory development.

2. 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.

3. 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.

4. 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 Core Spatial Strategy for North Northamptonshire.

5. Notwithstanding the submitted details, no development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

6. Unless otherwise agreed 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:

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 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.

7. Prior to the commencement of the development, full details of lockable bin and cycle storage facilities including their design, materials, location, exact dimensions and openings shall be submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be provided in accordance with the approved details prior to the first occupation of the development 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 13 of the North Northamptonshire Core Spatial Strategy.

8. The landscaping details required by condition 1 above shall include a scheme of hard and soft landscaping works (including boundary treatments) 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 building 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 CSS.

9. Prior to the commencement of development, a scheme detailing the security measures/standards to be incorporated within the scheme, including all openings associated with the new build dwellings shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: To reduce the potential for crime in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

10. 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.

11. 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.

12. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of any items of archaeological interest in accordance with PPG16.

13. No development shall take place or demolition works undertaken until a scheme for the protection of all trees and hedgerows to be retained (as identified in the submitted Tree Survey, June 2009) produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method of excavation, method of construction and protective fencing. The development shall not be carried out other than in accordance with these approved details and the protection measures shall be maintained throughout development.

REASON: To avoid detriment to the adjacent tree in the interests of visual amenity in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

14. 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 13 of the Core Spatial Strategy for North Northamptonshire.

15. The landscaping details required by condition 1 above shall include details of boundary planting to the rear of plot 6.

REASON: To protect the amenity of neighbouring occupants in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

16. No development shall take place until a scheme to address ecological interests within the site in accordance with the conclusions and recommendations specified within section 4 of the submitted Ecological Assessment Report (June 2009) and the Recommended Mitigation measures outlined in section 3 of the Ecological Mitigation and Enhancement Plan (August 2009) has been 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: To protect ecological interests within the site in accordance with PPS9 and policy 13 of the CSS.

17. 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 13 of the Core Spatial Strategy for North Northamptonshire.

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

REASON: To ensure that the roads are constructed to a satisfactory standard in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

19. 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 E 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 13 of the Core Spatial Strategy for North Northamptonshire and PPS25.

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 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 13 of the Core Spatial Strategy for North Northamptonshire and PPS25.

21. No development shall take place until a site specific Flood Risk Assessment (compliant with PPS25) and a scheme of mitigation measures to protect the dwellings hereby approved from the risk of flooding 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 ensure satisfactory fluvial and surface water flood risk management in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire and PPS25.

Notes (if any):-

1. 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.

Any works to trees within the site should be carried out in accordance with all relevant provisions of BS 5837:2005, Construction in relation to Trees.

Northamptonshire Police recommend that the development be built to achieve ACPO CPI Ltd "Secured by Design" standards.

This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.

Date of Decision: 18 December 2009



Tom Shields
Development Control Manager

Contact:-

Mr S Watkins
15 Main Street
Worfield
BRIDGNORTH
Shropshire
WV15 5LF

1. An applicant who is aggrieved by the decision of the Local Planning Authority may appeal to the Secretary of State for Communities and Local Government (DCLG) within **six** months of receipt of this notice. Appeals must be made on a form obtainable from The Planning Inspectorate, Room 3/02, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN: Tel. 0117 372 8000, or on-line at www.planningportal.gov.uk/pcs. The First Secretary of State has the power to allow a longer period for you to give notice of an appeal, but he will not normally exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
2. If permission is granted subject to conditions, whether by the Local Planning Authority or by the ODPM and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulations.