



Appeal Decision

Site visit made on 29 June 2022

by D Wallis MRTPI, BSc (Hons), PGDip (Environmental Planning)

an Inspector appointed by the Secretary of State

Decision date: 7th July 2022

Appeal Ref: APP/L2820/W/21/3276527

Gold Street, Desborough, NN14 2NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0644, dated 15 August 2019, was refused by notice dated 22 December 2020.
 - The development proposed is Re-development of site to create 40no. dwellings with access, parking and associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for a full award of costs was made by Mr Lee (Snowdon Homes Ltd) against Kettering Borough Council. This matter is subject to a separate decision.

Preliminary Matters

3. I note that the description of development on the application form relates to a scheme for 40 dwellings, whereas the decision notice refers to 39 dwellings. In view of the appellant's appeal submissions and the details on the proposed site plan, I am content that 39 dwellings represent the actual development sought.
4. A legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) accompanies the appeal, securing all 39 dwellings as affordable housing units. I shall return to this later in my decision.

Main Issues

5. The main issues for the appeal are the effect of the development upon:
 - whether the proposal is acceptable with regards to social infrastructure provision; and
 - highway congestion.

Reasons

Social Infrastructure

6. The proposed development is within the market town of Desborough, which is a large settlement containing numerous facilities for day-to-day living including schools and medical services. Desborough is recognised by both the main

parties to be an area where housing growth could occur at a scale appropriate to the character and infrastructure of the town.

7. The proposed development has been identified by consultees to the application process as impacting upon social infrastructure in the settlement, which already is under strain and experiencing shortfall in provision. Financial contributions to mitigate this impact have been requested, with particular emphasis on education and healthcare needs. The officer report suggests the total cumulative contribution required would be in the region of £428,000. These funds would be in addition to the appellant's stated commitments to make all proposed dwellings affordable housing units, as would be secured in the submitted legal agreement.
8. My attention is drawn to the appellant's viability assessment that states these contributions cannot be provided at the same time as securing all proposed dwellings as affordable units. I acknowledge the findings of this assessment and the subsequent report of a Council-appointed independent assessor, who verifies the appellant's position. I therefore have no substantive evidence before me to suggest that the scheme could provide 100% affordable housing and all of the other contributions concurrently.
9. Whilst weight can therefore be given to the viability assessment, the unmitigated impact on social infrastructure cannot be overlooked. The dwellings, regardless of whether affordable units or not, would put pressure on the ability of existing infrastructure to cope with the growth. Failing to address this pressure would result in services being unable to meet the demands of present and future generations, thus failing the social objective of sustainability set out in the National Planning Policy Framework (the Framework).
10. I note that both the main parties agree that affordable housing is needed to meet an identified shortfall, notwithstanding that the Council can demonstrate a 5-year housing land supply. Whilst the proposal would help to meet this housing need, exceeding local plan policy requirements for affordable housing, in this instance there would be significant financial deficits in other social infrastructure provision that weigh against boosting the housing supply in the manner proposed. I do not accept that the demographic of future occupants would be likely or solely those people that already use the existing facilities and services.
11. On this basis I conclude that the proposed development would harmfully impact upon social infrastructure in the absence of financial contributions. The proposal would therefore be contrary to policies 1 and 10 of the North Northamptonshire Joint Core Strategy (NNJCS), which seek developments to be supported by the timely delivery of infrastructure, services and facilities necessary to meet the needs arising from them.

Highway congestion

12. Vehicular access into the appeal site is taken from a single hard-surfaced entrance off Gold Street, which is capable of serving the former industrial uses on the site. From my site visit, it was clear the access could accommodate two-way traffic where it passes Manor House. I noted that the B576, which is the main thoroughfare through Desborough, was a short distance to the east along Gold Street and is partially a traffic-light controlled junction.

13. The proposed development would generate vehicle movements on the public highway. These vehicle movements may be delayed leaving and entering the appeal site at peak times should cars start queuing at the junction with the B576. However, given the appeal site's location, I consider it likely that a modest proportion of journeys for local services and goods could be undertaken by walking or cycling. The previous industrial use on the appeal site could yield equal or higher numbers of vehicle movements to the proposed development, and potentially entail larger commercial vehicles navigating local roads. In this respect, the effects of the proposal on the road network are therefore strictly limited in my view.
14. I acknowledge that the local highways authority has written specifically in response to the appeal notification to affirm a position of no objection subject to conditions. No concern is raised regarding the operation of key junctions in the local or wider network, and the Council has not sought to submit evidence on this matter. The appellant's highways evidence to the appeal is therefore unchallenged.
15. I note that paragraph 111 of the Framework states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the absence of any evidence to contradict the submissions of the local highway authority, I conclude that there would not be any adverse impacts arising in this instance.
16. I find the proposal would not cause harm to highway safety or to the proper functioning of the highway network. On this basis the proposal complies with policy 8 of the NNJCS, which seeks people to move easily between and through settlements.

Other Matters

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that determination must be in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, the development proposed is contrary to the development plan as a whole. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.
18. It is an undisputed position that a 5-year housing land supply can be demonstrated. Therefore, there is no contention that the development plan is out-of-date or that paragraph 11(d) of the Framework is invoked.
19. The development would represent redevelopment of previously developed land for a purely affordable housing scheme in an accessible urban location, which meets the spatial strategy of the NNJCS. I recognise that an established affordable housing provider has already expressed an interest and that a legal agreement is submitted to secure the affordable units. These matters do weigh in favour of the development.
20. However, I have had regard to all material considerations including the suggested benefits of the scheme and find these to be of insufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

David Wallis

INSPECTOR

Richborough Estates