

## **Town and Country Planning Act 1990**

**Appeal by Kiff and Troke Partnership  
Land off Bury Close, Cottingham, Northamptonshire**

**Statement on Planning Policy Matters  
Bernard Greep, BA (Hons), BTP, MRTPI**

**Local Planning Authority Reference: 14/00094/OUT  
Appeal Ref: APP/U2805/W/15/3005683**

**Peter Brett Associates**  
July 2015



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## SEPARATELY BOUND APPENDICES VOLUME

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- Appendix 3 May 2015 Edition of the Cottingham and Middleton Newsletter

## 1 INTRODUCTION

### Personal Details and Experience of Bernard Greep

- 1.1 I am an Equity Director of Peter Brett Associates LLP ('PBA'), a leading national development and infrastructure consultancy. I hold the academic qualifications of Bachelor of Arts (Architecture) from the University of Liverpool (1995), and Bachelor of Town Planning from the University of Manchester (1997). I am a Member of the Royal Town Planning Institute and I have practised as a town planner since 1998. Prior to joining Roger Tym & Partners ('RTP', now part of PBA) in 2001, I was a Planning Officer at Blackpool Borough Council for three years.
- 1.2 I therefore have over 17 years' experience of practising in both the public and private sectors. I have advised a wide range of public sector clients on town planning matters – including the four North Northamptonshire local authorities<sup>1</sup> – and I regularly advise housebuilders, landowners and developers on residential development schemes throughout the UK. The latter involves advising clients on sites' prospects at the pre-planning stage, leading the preparation of planning applications for housing and mixed-use development schemes, and representing clients throughout the plan-making process.
- 1.3 The evidence that I have prepared for this appeal and provide in this Hearing Statement is true and has been prepared and given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions. My Statement has also been prepared in accordance with the PINS 'Procedural Guide – Planning Appeals (England)' of 10 July 2015.

### My Firm's Involvement in the Application

- 1.4 RTP carried out the North Northamptonshire Strategic Housing Land Availability Assessment ('SHLAA') in 2009. In June 2012, my firm (by that time called PBA) was approached by Mr Bill Kiff, the owner of a site to the south of Cottingham Hall in Cottingham ('the site'), within Corby Borough, which we had assessed in the SHLAA. Mr Kiff then decided to put the project on hold, prior to contacting us again early in 2013. I visited the site in April 2013 with Mr Kiff and his business partner, Mr Ted Troke, and was provided with a briefing at Mr Kiff's home following the site visit.
- 1.5 The site was given the identifier reference '936' and was assessed as Category 2 ('developable') in the SHLAA, with no major constraints to development identified. For a site in a rural part of the Borough, the site scored comparatively well (the assessment criteria, which were drawn up by the client steering group, were such that very few sites outside of the main towns were able to achieve a higher rating than

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<sup>1</sup> 'North Northamptonshire' refers to the Boroughs of Corby, Kettering and Wellingborough and the District of East Northamptonshire.

Category 2). The SHLAA identified a theoretical potential for 82 dwellings at the site after typical densities and gross to net ratios were applied, although we explained to Mr Kiff and Mr Troke that this figure was indicative rather than prescriptive, having been derived through a high-level SHLAA rather than a detailed site-specific assessment.

- 1.6 On 13 May 2013, we wrote to Mr Kiff to outline our suggested scope of work and associated fee requirement for preparing an outline planning application for residential development at the site. On 15 May 2013, Mr Kiff wrote to confirm our instruction.

## Key Planning History

- 1.7 A previous outline planning application (ref: 06/00094/OUT) for up to 90 dwellings at the site was refused on 17 May 2006. The applicant was 'Mr & Mrs Kiff' and a different firm performed the role of agent. The four Reasons for Refusal ('RfR') stated on the Decision Notice can be summarised as follows:
- Development on greenfield land and contrary to Policy P2(V) of the Corby Local Plan and Policy H3 of the Northamptonshire Structure Plan.
  - The development does not satisfy the sequential test set out in Northamptonshire Structure Plan Policy GS4, which favours development at previously developed and more accessible sites. The proposal is therefore also contrary to PPG3.
  - The application site is an unsuitable location on the edge of a rural village, with inadequate local services to meet the needs that would arise from the development, and would result in over-reliance on car journeys. The development is therefore contrary to PPG3, Northamptonshire Structure Plan Policy GS4, and the Milton Keynes and South Midlands Sub-Regional Strategy.
  - The development will have an unacceptable impact on the local highway network, and is therefore contrary to Policies P1(T) and P11(T) of the Corby Local Plan.
- 1.8 The planning policy background moved on considerably following the refusal in 2006. Parts of the Corby Local Plan were replaced by the North Northamptonshire Core Spatial Strategy ('CSS', adopted in June 2008), and the National Planning Policy Framework ('NPPF') was published in March 2012. Furthermore, the Milton Keynes and South Midlands Sub-Regional Strategy, the Northamptonshire Structure Plan and PPG3 are no longer in force.
- 1.9 Against the background of the strategic planning policy changes referred to above, and the chronic shortage of housing land supply across Corby Borough (the Council's most recently published supply figure being 1.82 years when we wrote to Mr Kiff in May 2013<sup>2</sup>), the decision was taken to submit a fresh planning application for a residential scheme at the site. Details of the planning application submission are provided in Section 2 of this Hearing Statement.

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<sup>2</sup> The 1.82 years supply figure for Corby Borough was quoted in the North Northamptonshire Annual Monitoring Report which covered the period April 2011 to March 2012.

- 1.10 PBA submitted the outline application on 24 February 2014 on behalf of the applicant, 'Kiff and Troke Partnership.' The application initially sought permission for up to 75 dwellings, but as I explain in Section 2 the scheme was subsequently revised and the description, as amended, is '*Outline application for up to 57 dwellings with new access with landscape and layout detailed for approval.*' Therefore, the application was in outline with only scale and appearance reserved for later approval.
- 1.11 The application, which was supported by a wide range of documents as detailed in Section 2, was refused by notice dated 20 January 2015. The RfR can be summarised as follows:
- the proposed development would cause harm to the significance and setting of the Grade II\* listed Cottingham Hall and the Cottingham and Middleton Conservation Areas, when considered cumulatively with existing housing development;
  - the scheme would harm the landscape character of the area;
  - the development is therefore not sustainable, has not demonstrated longer term contributions towards the local economy and has an over reliance on private car travel; and
  - whilst the contributions to housing and affordable housing delivery are acknowledged, they do not outweigh the conflict with the development plan and the harm from the scheme.
- 1.12 The current appeal was lodged under Section 78 of The Town and Country Planning Act 1990 by Kiff and Troke Partnership in the light of Corby Borough Council's refusal to grant planning permission for the proposed scheme.

## **Instructions and Scope of My Statement**

- 1.13 My role is to address planning policy matters. I do not specifically deal with the RfR that relate to heritage, landscape and affordable housing, although I cross-refer to the Hearing Statements prepared by other expert witnesses wherever appropriate. Those experts are as follows:
- Heritage related matters are addressed by Dr Chris Miele. Dr Miele is a Senior Partner at Montagu Evans LLP – where he heads up the firm's dedicated historic environment team – and he has nearly 25 years of experience on historic environment matters and, prior to that, relevant academic experience and qualifications (MA and PhD) as an architectural historian.
  - Landscape and layout matters are addressed by Mr Martin Band, a landscape architect with over 30 years' experience. Martin is the Managing Director of Environmental Associates, a practice of chartered landscape architects and masterplanners which he established in 2003.
  - Affordable housing is addressed by Mr James Stacey, Director at Tetlow King Planning, a national firm of planning consultants which specialises in affordable housing.

- 1.14 Housing land supply was not cited as a RfR. However, given the imperative in the NPPF to significantly boost the supply of housing, my colleague at PBA, Tim Coleby – a Senior Associate with many years' experience as a residential planning expert – has therefore produced a Hearing Statement which assesses the housing land supply position in Corby Borough.
- 1.15 Numerous Inspectors and the Secretary of State have made it abundantly clear in many recent cases that the size of the shortfall is relevant. They have sought to highlight the relevance of 'significant' and 'serious' shortfalls in the five-year requirement in their decisions. A synopsis of example Appeal Decisions is provided in my Appendix 1. It is the appellant's case that the shortfall in the supply of housing land in Corby is both significant and serious and the scale of it is plainly relevant to the overall planning balance.
- 1.16 I am conscious that the Appellant has submitted several Hearing Statements containing very substantial evidence. This reflects the complexity of the case and is necessary in order to demonstrate that the proposed scheme will not result in significant adverse effects on the landscape and/or heritage assets, and to establish the realistic level of deliverable housing land supply. In a local authority area such as Corby, that latter task is particularly onerous. I also acknowledge that the Appellant's submissions refer to many appeal decisions. This is because key issues that are relevant to this proposal have all been considered by Inspectors before and in many cases by the Secretary of State.
- 1.17 My Statement is accompanied by a separately bound 'Appendices' volume, which contains the various documents that I refer to in my Statement<sup>3</sup>.
- 1.18 At the time of writing, a Statement of Common Ground has not been progressed to an advanced position but the Appellant will liaise with the Council with a view to providing a final version in advance of the Hearing.

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<sup>3</sup> All references in my Hearing Statement to 'Appendices' relate to the documents that are contained in my Appendices volume.

## 2 THE APPLICATION SITE AND THE PROPOSED SCHEME

### Application Site Context

- 2.1 Section 2 of the Planning, Design and Access Statement ('PD&AS'), submitted in support of the planning application, provides detailed information regarding the application site and the surrounding area. The headline points can be summarised as follows:
- The application site comprises approximately 3.05 hectares of land off Bury Close to the immediate south of the villages of Cottingham and Middleton (which essentially merge into each other) and the Grade II\* Listed Cottingham Hall (previously known as 'The Bury'). The site was formerly part of the grounds of Cottingham Hall, but is now predominantly rough pasture.
  - The site is bounded to the north by the gardens of Cottingham Hall and existing residential properties on Bury Close, and to the east and west by paddock land. A public footpath, which is part of the Jurassic Way National Trail, forms the southern boundary of the site, beyond which is open countryside. The application site also includes number 8 Bury Close, which is controlled by the applicant and will need to be demolished to form a vehicular access to the site.
  - There are various mature and semi-mature trees scattered throughout the site, some of which are covered by individual or group Tree Preservation Orders. All protected trees will be retained within the site.
  - The land rises across the site from north to south, with a level change of approximately 12m. There is a relatively level area of land in the north-eastern part of the site directly adjacent to the southern boundary of the garden to Cottingham Hall.
  - Given the site topography and existing vegetation cover, views into the site from the villages are limited. The main views into the site are from the elevated southern boundary along the public footpath, where there are also longer distance views over the site to the north over Cottingham and towards the countryside beyond.
  - The site is not subject to any statutory nature conservation or landscape designations and it is not within the Green Belt. The site is within a 'Special Landscape Area' under saved Local Plan Policy P10 (E), although this local landscape designation is not being taken forward in the emerging North Northamptonshire Joint Core Strategy.
  - The site is surrounded by open pasture land to the south, east and west. The northern edge of the site runs along the rear boundaries of Cottingham Hall, the Hunting Lodge Hotel and numbers 12, 14 and 16 Bury Close. The site boundary is formed by fencing (some post-and-wire and some post-and-rail), interspersed with existing trees and hedges.

- The site is located directly adjacent to a predominantly residential area to the south of Cottingham. The majority of the existing housing stock in this part of the village is relatively modern. The residential development at Bury Close comprises a mixture of 1960/70s brick built bungalows and two storey dwellings, and the two storey dwellings at Manor Court date back to the 1990s.
- The most prominent feature in the area surrounding the application site is Cottingham Hall, which is an imposing Georgian building constructed in the 1690s set within substantial grounds with mature landscaped gardens. The Hunting Lodge Hotel is located adjacent to Cottingham Hall on the north-eastern boundary of the site, and it originally formed the coach house to the Hall which has had a number of subsequent extensions.
- The village centres of Cottingham and Middleton are easily accessible by walking and cycling from the application site. There are a number of existing services and facilities commensurate with the size of the settlements in close proximity to the site, including local shops, public houses and a primary school. The site is also accessible via public transport, and is within walking distance to a bus stop providing services to Corby, Oakham, Market Harborough and Kettering.
- Cottingham and Middleton are covered by a conservation area (split into two distinct sections), but the site is not within either part of the conservation area and whilst a small section of it adjoins the Middleton section the remainder of the site is separated from the conservation area by intervening fields.

## Overview of the Proposed Development

2.2 Section 3 of the PD&AS describes the proposed scheme and explains its design evolution, which can be summarised as follows:

- The outline planning application initially sought permission for up to 75 dwellings with associated parking and landscaping on a net developable site area of 2 hectares. This equated to a net development density of 37.5 dwellings per hectare, or a gross density of 25 dwellings per hectare. As I explain in Section 3 of this Statement, the scheme was subsequently reduced to up to 57 dwellings, and the scheme has recently been substantially reduced further, to 33 dwellings.
- Up to 30 per cent of the dwellings are expected to be provided as affordable housing, in accordance with adopted planning policy.
- The applicant envisages a very high quality, bespoke, landscape-led residential development which reflects the character of the villages and the principles set out in the Rockingham Forest Design Guide 'Building on Tradition'. The scheme will provide a range of dwelling types and sizes, with the houses being no more than two storeys in height. Materials will be carefully chosen and agreed with the Council at a later date to reflect the local vernacular.
- The scheme will meet the acute short term need for additional market and affordable housing, and will help to support the long term viability of all village services and facilities.



- The scheme will retain many existing trees and natural boundaries (including trees covered by TPOs), which will be incorporated into the wider landscape strategy. This includes creating a 'green boulevard' on the eastern part of the site utilising the 'Millennium Way' – a boulevard of lime trees which are in a poor state of health and presently inaccessible to the public.
- A large area of land will be kept permanently open in the eastern part of the site, and there will be a landscaped buffer adjacent to the Jurassic Way, thereby softening the edges of the development.

2.3 The topography of the land was an important consideration in the design approach, and informed the indicative layout, which will follow the contours of the site. Key views and vistas, for example through to the church tower and the Hall, will be retained.

## 3 PLANNING APPLICATION DOCUMENTS AND RELATED DISCUSSIONS

### Introduction

- 3.1 An array of documents was submitted in support of the planning application covering matters including planning, design, flood risk, drainage, highways, ecology, utilities and landscape. Key documents have been submitted with this appeal, but to assist the Inspector's understanding of the proposed scheme this section of my Statement summarises key matters relating to landscape, layout and heritage.

### Pre-application Meeting

- 3.2 On 12 June 2013, I attended a pre-application meeting with Mitesh Rathod, Senior Planning Officer at Corby Borough Council ('CBC'). CBC wrote to PBA by way of a letter dated 5 July 2013 to provide its record of the meeting and to outline the information required to support the planning application.
- 3.3 Shortly after receiving the letter I circulated it around the application team, and I specifically instructed the design team to:
- pay careful attention to the officer's comments;
  - carefully consider the form, character and setting of Cottingham and Middleton and the adjacent Grade II\* listed Cottingham Hall, and ensure that their design proposals reflect/respect these characteristics; and I asked the designers to
  - pay special attention to protecting key views into the Welland Valley from the Jurassic Way.

### EIA Screening Opinion

- 3.4 In a letter dated 10 September 2013, CBC noted the site's proximity to listed buildings and it also raised the possibility of adverse ecological and visual impacts:

*'It is therefore considered that there are potential significant environmental impacts of the scheme from a visual perspective and ecological (habitat and species) impact and it is not possible to adopt a negative opinion in the absence of mitigation measures. The development is therefore considered to be EIA development due to the potential significant environmental impacts.'*

- 3.5 In a further letter dated 14 February 2014, CBC changed its opinion and concluded that the proposal does not constitute EIA development. I wish to highlight the following parts of CBC's second letter here for the Inspector's benefit:

*'The site is adjacent to the Grade II\* Listed Cottingham Hall and there are Grade II Listed buildings in close proximity to the site along with visibility to the Grade I Listed Church. The site currently benefits from screening by trees and includes hedging and trees which are important visual features within the site and in the context of the surroundings.'*

*'It is noted this proposed mitigation has resulted in a reduction in the number of houses proposed from the previous screening opinion. It is considered that the identified mitigation measures would mean that the lesser number of properties now proposed are unlikely to have a significant impact on the environment. As such the 70-80 house scheme is not considered to be EIA development.'*

## Outline Planning Application Submission

- 3.6 PBA submitted the outline planning application on behalf of Kiff and Troke Partnership on 24 February 2014. For the Inspector's information the full list of supporting documents is as set out below, and key documents form part of the appeal submission:
- Application Form and Certificates (PBA)
  - PD&AS, incorporating a Housing Statement (PBA)
  - Drawings, including Indicative Masterplan (The Urbanists<sup>4</sup>)
  - Ecology Report (BSG Ecology)
  - Flood Risk Assessment and Drainage Strategy (PBA)
  - Landscape Statement (Environmental Associates)
  - Phase I Desk Study Report (MLM Environmental)
  - Statement of Community Involvement (PBA)
  - Sustainability Appraisal and Energy Statement (PBA)
  - Transport Assessment and Travel Plan (PBA)
  - Tree Constraints Report (Amenity Tree Care Ltd)
  - Utility and Physical Infrastructure Report (PBA)
- 3.7 As I explained in Section 1 of this Hearing Statement, the submitted application sought permission for up to 75 dwellings with all matters reserved except for access. On 10 March 2014, a telephone conversation took place between the case officer at CBC (Gavin Ferries) and my colleague at PBA, Michael Gilbert. Mr Ferries indicated that officers were considering whether the application could be validated as submitted or whether landscaping and layout should also be detailed for approval.
- 3.8 On 24 March 2014, I received a letter from Mr Ferries under email cover. The letter provided CBC's formal opinion that landscaping and layout should not be considered separately, and it requested further information in relation to landscaping and layout. I replied on 7 April 2014 to explain that the applicant was obtaining quotes for the additional landscape and layout work requested by CBC. The following day, I spoke to Mr Ferries over the phone and then sent a follow-up email in which I summarised the conversation, key points being as follows:

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<sup>4</sup> A firm of urban designers called The Urbanists produced the drawings for the original 75-dwelling application scheme. The applicant decided to replace The Urbanists with Environmental Associates when the scheme was reduced in size to 57 dwellings.

- CBC is not convinced about the site's ability to accommodate 75 dwellings and in Mr Ferries' view the site could probably accommodate something like 50-60 dwellings;
- Mr Ferries commented that lots of the objections are based on the number of dwellings rather than the principle of development and we discussed the likelihood of a lower density scheme, with fewer than 75 dwellings (i.e. 50-60), being more palatable to local residents;
- I agreed to convey all of the above back to the applicant with a view to reducing the number of dwellings at the scheme to between 50 and 60; and, crucially
- Mr Ferries indicated that the initial proposal for up to 75 dwellings was unlikely to be supported by the Council, but that subject to officers being happy with the general layout, impact on listed buildings and other technical issues, a reduced number of units (50-60) could be supported by CBC because the only issue would then be the fact that the application site is outside of the settlement boundary (albeit immediately adjacent to it).

3.9 I closed my email by stating that I would assume that Mr Ferries agrees with my summary unless he says otherwise. Mr Ferries did not reply to my email. The application team was duly instructed to produce the requested landscape and layout details, and various other requested documents, as detailed below.

3.10 On 7 May 2014, I sent a follow-up email to Mr Ferries, explaining that the landscape and layout work was almost complete and would be sent to the Council in the next few days. Mr Ferries replied the same day to thank me for my update. The email chain is reproduced in my Appendix 2.

## **Landscape and Layout Addendum**

3.11 I sent hard and electronic copies of the 'Landscape and Layout Addendum', produced by Environmental Associates, to CBC on 15 May 2014, as well as two accompanying A0 scale plans. My cover letter explained that:

- the scheme had been reduced substantially, with outline permission sought for up to 57 dwellings, rather than up to 75 dwellings as per the original submission;
- the density had reduced accordingly, being c.21 dwellings per hectare in the well-screened western part of the site (still relatively low and appropriate to the setting) whereas the density in the more sensitive eastern part of the site will be c.13 dwellings per hectare;
- built development will be set back from the listed hall and from the Jurassic Way;
- the layout will allow and frame views into and across the site;
- there will be a significant amount of green space, with open space areas and generous landscaping around the properties;
- all trees covered by TPOs will be retained;
- the avenue of lime trees – which is also a protected TPO feature, but which will unfortunately never mature into a proper avenue due to tree loss and damage – will be replanted;

- the intention is to use high-quality materials, style and detailing which complement the local vernacular throughout the scheme;
- views and vistas have been a critically important consideration in formulating the layout, and meticulous care has been taken to ensure that important views – of the church spire, the hall and across into the valley – are retained; and
- landscaping across the whole of the southern boundary will be reinforced visually and physically, with a mix of native woodland planting.

3.12 Mr Ferries emailed me on 21 May 2014 to confirm receipt of the Landscape and Layout Addendum and the A0 plans. On 3 June 2014 Mr Ferries emailed me to confirm that formal consultation letters had been sent out, and Mr Ferries emailed a copy of the re-consultation letter (which was dated 29 May 2014) to me on 26 June 2014.

## Archaeological Desk-Based Assessment

- 3.13 In an email to me on 26 June 2014, Mr Ferries forwarded letters from English Heritage (dated 26 March 2014) and the County Archaeologist (dated 11 April 2014) which requested the provision of a heritage statement – with particular reference to the loss of open fields to the setting of Cottingham Hall – and an archaeological desktop study. Mr Ferries' email did not explain why the two letters had not been forwarded earlier.
- 3.14 I emailed Mr Ferries on 30 June 2014 to advise that a quote had been sought for the requested archaeological desktop study. I also noted that Environmental Associates' latest report of May 2014 contained various plans and text which sought to address impact on heritage assets, for instance by explaining that the proposed development will be set back a significant distance from Cottingham Hall and explaining that the proposed layout has specifically sought to retain/maximise key views of the Hall and the Church spire to the east. Mr Ferries replied to my email the same day; his email contained the following comment:

*'I do note that the report does consider the visual impacts and retention of views, I think in the most part it is about the historic setting of Cottingham Hall with the area formerly being part of the garden for the hall and this is where the historic plans would be useful for a context review. I would expect that this would be covered in the archaeological desktop as part of the historic context of the site and likelihood of there being archaeological importance within the site.'*

- 3.15 Accordingly, Iain Soden Heritage Limited ('ISHL') was asked to provide a quote for the archaeological desktop study. ISHL was chosen because both Iain Soden and his associate Charlotte Walker were previously with Northamptonshire Archaeology (the former specialist archaeological consultancy/contracting organisation within Northamptonshire County Council). This specialist unit no longer exists, having been transferred by the County Council to the Museum of London Archaeology. Iain and Charlotte are therefore very familiar with the Northamptonshire area and the County Archaeologist's requirements.

- 3.16 When it provided a quote for the work, ISHL confirmed that separate Heritage Statements would also be prepared for the Hall and the Church, which could be integrated within the archaeological desktop study or retained as standalone documents. ISHL advised that the Heritage Statements would include an assessment of the setting of both buildings in relation to the proposed development and that English Heritage's *The Setting of Heritage Assets* would be used as the primary guidance document. ISHL also advised that the reports would consider relevant historic maps, drawings and photographs, any historic designed views, the scale and design of the proposed development in relation to the Hall and the Church, and that photomontages would be used as appropriate.
- 3.17 ISHL was then formally instructed to produce the archaeological/heritage assessment, and Charlotte Walker visited the site during early July 2014. I sent the completed Archaeological Desk-based Assessment to Mr Ferries under email cover on 30 July 2014, confirming that the report also covers heritage. Cottingham Hall is addressed on pages 17 to 21, which forms part of the appeal submission.

## Drainage

- 3.18 On 20 June 2014, Mr Ferries emailed a copy of a letter from the Environment Agency ('the EA'), which stated that the EA was objecting on technical grounds but that the Agency believed the objection could be overcome. PBA's drainage engineers responded to the EA by way of a letter dated 18 July 2014. PBA's letter addressed each of the EA's four specific points in turn, which related to: the allowable discharge rate; the point of surface water discharge; the volume of surface water storage required; and water quality. In a response dated 8 August 2014 which was uploaded to CBC's website, the EA confirmed that, in the light of PBA's further information:

*'The requirements set out in paragraph 30 of the flood risk and coastal change chapter of the National Planning Policy Guidance (NPPG) have been satisfied. Accordingly, we are prepared to remove our objection on flood risk ground subject to the implementation of the following planning condition on any planning approval. Condition The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment undertaken by Peter Brett Associates (Ref: 27279/005, Date: Feb 2014) and letter from Peter Brett Associates (ref: 27279 EA FRA Letter Response 140718, dated 18 July 2014).'*

## Other Key Correspondence

- 3.19 In an email to me dated 3 June 2014, Mr Ferries requested details of the solicitor dealing with the S106 on the applicant's behalf, so that the legal agreement could be prepared. In the same email, Mr Ferries commented that he was proposing contributions towards education, highways, affordable housing, S106 Monitoring Officer and the Water Cycle Strategy, and that there was also potential for a community/village facility contribution, noting that a new village hall is proposed to be constructed adjacent to the primary school.

- 3.20 At the end of July and the beginning of August 2014, I had a series of telephone conversations with Mr Ferries, whose tone and comments at that time were generally positive/supportive. Mr Ferries stated that he would like a few 'minor tweaks' (Mr Ferries' words) making to the layout. Mr Ferries' requested changes were detailed on an annotated version of the layout plan which was sent to me under email cover on 6 August 2014, with the comment: *'Please find attached my proposed amendments to the layout/landscaping plan.'* Mr Ferries' suggested amendments were quite minor, such as recommending that a garage be brought forward slightly, and they did not include comments about removing any development from the eastern half of the site.
- 3.21 On 8 August 2014, I emailed an updated version of the layout, incorporating Mr Ferries' changes, along with an updated version of the Landscape and Layout Addendum, containing the updated drawings. Mr Ferries replied the same day, simply saying 'Thank you.'
- 3.22 In an email on 29 August 2014, Mr Ferries forwarded to me a letter from the County Archaeologist, dated 27 August 2014. The letter provided the County Archaeologist's opinion that the Archaeological desk-based assessment *'provides a thorough assessment of the archaeological background and potential of the site.'* The County Archaeologist then concluded that archaeology does not represent an over-riding constraint to development and so a condition was recommended to require investigation and recording of any remains prior to development at the site.
- 3.23 In a series of further telephone conversations, Mr Ferries' comments generally continued to be positive/supportive and he indicated to me that his intention was to take the application to the Development Control Committee meeting on 15 October 2015. During that period, the solicitors on both sides drafted the S106 agreement, with Mr Ferries inputting at various junctures.
- 3.24 In a telephone conversation on 1 October 2014, Mr Ferries stated to me that the officer report to the Committee would recommend approval. Mr Ferries indicated that the officer report would be signed off within a day or two and would then be available to view on the Council's website early the following week.
- 3.25 Accordingly, up until 3 October 2014, the case officer was indicating that he would be taking the application to the Development Control Committee meeting on 15 October 2015, with a positive recommendation. Against that background, the applicant agreed to several time extensions rather than appealing against non-determination, and all of the reports/other documents requested by CBC and other statutory consultees were commissioned by the applicant promptly.
- 3.26 On 3 October 2014, Mr Ferries sent an email to me advising that the application would not be taken to the Development Control Committee meeting on 15 October 2015. The reason given was as follows:

*'In light of recent appeal decisions and court cases the Council is undertaking a formal review of its "saved" policies, relevant North Northamptonshire Core Spatial Strategy Policies and the calculations of its housing land supply. Due to the implications that the review has on any recommendation of the scheme,*

*unfortunately it has been considered necessary at a more senior level to postpone determination of the application.'*

- 3.27 In a lengthy (1 hour plus) telephone conversation on 6 October 2014, Mr Ferries indicated to me that he was supportive of the proposed scheme; that in his view all harmful effects had been overcome; and that the scheme complies with the NPPF. However, it became apparent during the conversation that Mr Terry Begley (referred to by Mr Ferries as the lead policy officer) was more resistant. Mr Ferries further indicated that there was a need for a common position to be reached between officers before the application went to committee.
- 3.28 On 8 October 2014, I sent a detailed email to Rob Temperley (Principal Planning Officer, Development Control), Mr Ferries and Mr Begley. The email is reproduced in my Appendix 2; it contained a comprehensive review of the key events in preceding months.



## 4 REPORTS BY THE LANDSCAPE PARTNERSHIP, AND COMMITTEE REPORT

### Reports by The Landscape Partnership

#### Introduction

- 4.1 Following CBC's decision not to take the application to the Development Control Committee meeting on 15 October 2015, it commissioned The Landscape Partnership to produce two reports. In response to an email from me on 28 November 2014, Mr Ferries sent an email on 1 December 2014 in which he apologised for the delay in progressing the application and noted that he was expecting to receive the final response from the landscape consultant 'shortly'. I sent a further email on 9 December 2015, which Mr Ferries replied to on 15 December 2015, again apologising for the delay.
- 4.2 On 22 December 2014, Mr Ferries sent an email to me to which he attached '*final versions of the application review and landscape review documents for Cottingham and Middleton.*' The two attached documents were described as follows in the same email: '*The Bury Close Landscape review is a review of the submission and the Cottingham Lsc Cap Study is about the potential to develop on the individual parcels.*'
- 4.3 The Landscape Partnership's two reports form part of the appeal submission, but key points from each report are highlighted below for the Inspector's ease of reference.

#### Landscape Review for Land off Bury Close, Cottingham

- 4.4 This report (dated November 2014) is the shorter of the two, running to nine pages. Particularly noteworthy content is as follows:
- In para 2.1, the landscape proposals were said to be '*generally well considered and seek to minimise the effects of the residential development on the basis of the proposed number of houses.*' The same paragraph also highlighted the following as positive aspects: '*retention of much of the existing vegetation; the replanting of the lime avenue; the design of the layout to follow the grain of the landform; use of local distinctiveness and sympathetic materials and features; provision of a village green; and largely appropriate planting principles.*'
  - Para 2.1 also stated that the proposed development also '*creates a number of issues*', in terms of its size, density and location.
  - Page 4 stated that because the proposed development would be within the former grounds of the Hall, it would '*change the visual relationship and association with the land, with any screen planting a further visual separation.*'
  - Also on page 4, the replacement lime tree avenue was supported.
- 4.5 Despite the positive comments referred to above, in subsequent sections of its report The Landscape Partnership advised that, in its assessment, the proposed scheme was too dense and would harm landscape character and the setting of Cottingham

Hall. The consultants further advised that the aforementioned conclusions applied even with the reduction from 75 to 57 properties.

- 4.6 Importantly, however, the final paragraph of The Landscape Partnership's report contained the following advice:

*'Should residential development be considered appropriate in this location, the recommendation would be to limit development to the western third of the site with dwellings being at a much lower density, avoiding development of the highest parts of the site, and application of lower profiles i.e. bungalows and/or with dwellings set into the slope, allowing: greater spacing of dwellings; reduction in the extent of earthworks required; retention of more extensive areas of undeveloped scarp slope and open space; and greater space for more and larger tree species. This would all help to reduce the impacts on this sensitive landscape. The greater use of one storey buildings would also more typically reflect the housing along Camsdale Walk. Whilst it is recommended that the eastern part of the site is left undeveloped, it may be appropriate to have a few, larger, very well spaced dwellings that are carefully located to sensitively relate to Cottingham Hall and the Jurassic Way.'*

- 4.7 The Landscape Partnership has therefore accepted the principle of residential development on the western section of the site, and it did not rule out some limited development on the eastern part of the site. This is critically important because, as I explain below, the Appellant has recently decided to substantially reduce the scheme further, to 33 dwellings and with development limited to the western section of the site.

## Cottingham & Middleton Landscape Sensitivity and Capacity Study

- 4.8 This report (dated December 2014) runs to some 51 pages plus appendices. Appendix 2 to the report contained The Landscape Partnership's assessment of 12 land 'parcels' and the capacity of each to accommodate residential development. The application site falls partly within Parcel 9 (eastern portion) and partly within Parcel 10 (western portion).
- 4.9 The Landscape Partnership's conclusion in relation to Parcel 9 (pages 44 and 45) was as follows: *'Development would create a prominent impact both within the Parcel and within the wider landscape of the Welland Valley, with limited scope for providing adequate mitigation. The Parcel has a Low capacity for accommodating residential development, and is not suitable for development.'*
- 4.10 The Landscape Partnership's comments regarding Parcel 10 (page 47) are somewhat contradictory. The consultants stated that the development would have *'a prominent but localised impact on an area of important local landscape character. The effect is limited by the containment provided by the mature vegetation, which also provides some scope for mitigation.'* Those comments indicate that some development would be acceptable, but in the following paragraph the consultants also stated: *'the Parcel is essentially inappropriate for development.'* However, the same

paragraph further advised that: *'...limited residential development may be appropriate, if restricted in number, of very low density and located on the lowest part of the scarp within the Parcel.'*

## Committee Report

- 4.11 The officer report to the Development Control Committee meeting on 20 January 2015 was 13 pages in length but appended to it was a Memorandum to Mr Ferries from Mr Begley dated 15 December 2014, and the two reports by The Landscape Partnership referred to above. The report forms part of the appeal submission but key points that I wish to draw to the Inspector's attention are highlighted below.

### Policy Principle

- 4.12 Page 7 contained the following statement:

*'The principle [sic] policy approach is that the development is not appropriate in this location as it is outside of the villages which do not have sufficient facilities and/or infrastructure that can support growth and development in these areas harms the delivery of the planned sustainable development within the Urban Area of Corby and the sustainable urban extensions.'*

- 4.13 The final part of the Policy Principle section then provided the officer opinion that the proposed development does not meet the three 'elements' of 'sustainability' (economic, social and environmental) and is 'therefore not sustainable.'

### Historic Impact

- 4.14 Page 9 of the officer report stated:

*'It is considered that the proposed scheme on its own results in less than substantial harm however the proposed housing scheme to the rear of Cottingham Hall removes the only remaining open element of the setting of the Hall. The proposal along with the previous substantial harm from Bury Close has to be considered in cumulative terms as being substantial harm to the setting of the grade II\* listed building.'*

- 4.15 The final paragraph under the Historic Impact section then provided the officer view that *'the public benefit of the scheme is fairly limited.'*

### Social

- 4.16 Page 10 of the report recognised that the villages have a small village shop, a couple of pubs, a primary school and a village hall, but it also stated: *'however the village lacks many of the facilities that are requisite for raising a family...the village lacks employment, medical facilities and a secondary school.'* In response I note that there are a number of existing services and facilities commensurate with the size of the settlements in close proximity to the site, including the village store and cafe, public houses and a primary school. Very few villages contain *'employment, medical facilities and a secondary school.'*

- 4.17 The affordable housing element of the proposed scheme is recognised as a positive, with page 10 commenting that it *'has potential to help the new development be better integrated with the village.'* Less positively, the officer report described the scheme as being *'of fairly significant scale compared to the existing village'*, and noted that, assuming an average household size of 2.4, the scheme would generate an additional 137 residents, more than a 10 per cent increase on the total population of the two villages (Cottingham had a population of 906 in 2011 according to the Census and Middleton had a resident population of 414, i.e. 1,320 in total).
- 4.18 In response I reiterate that the scheme has now been reduced to 33 dwellings. Using the assumed average household size of 2.4, that equates to 79 persons, equating to 6 per cent of the resident population of Cottingham/Middleton in 2011.

## Economic

- 4.19 Page 11 of the report stated: *'The majority of employment for the future residents is likely to be located within Corby itself or further afield and will generally be car orientated travel and therefore the economic contribution of residents is unlikely to be directly experienced within the village though this is difficult to consider at this time.'* Those comments do not recognise that residents of the proposed development will inevitably spend some money in the local Village Shop & Café, and public houses, and that some employment will be generated during the construction phase, both of which are economic benefits that weigh in favour of the proposed scheme.

## Sustainability

- 4.20 Following on from the comments highlighted above, page 11 of the report provided the officer view that the proposed scheme *'is considered not to be sustainable development.'*

## Five-Year Land Supply

- 4.21 Page 11 acknowledged that *'Corby Borough Council does not have a five year land supply'*, although a specific number of years' supply was not specified. Page 12 confirmed that the Special Landscape Area is not a national designation and in accordance with the NPPF the SLA *'would not be given particular protection through the planning system.'*

## Conclusion

- 4.22 For the Inspector's ease of reference I consider it worth reproducing the Conclusion section in full:

*'To conclude, the benefits of the proposal include the delivery of housing to meet needs and some social and economic benefits. However it is considered that the modest benefits of the proposal are outweighed by the unacceptable and unjustified harm to the significance and setting of the grade II\* Listed Building (heritage asset protection), causes harm to the important landscape character of the area and is contrary to the development plan (North Northamptonshire Core Spatial Strategy) which seek to focus growth to more sustainable locations. The*

*development is not considered to be sustainable as causes landscape harm, heritage harm and has not demonstrated longer term contributions towards the local economy and due to the location has an over reliance on private (car) travel.*

*The application is therefore recommended for refusal.'*

- 4.23 In line with the officer recommendation, the Development Control Committee decided to refuse the application.

### Memorandum from Terry Begley dated 15 December 2014

- 4.24 Mr Begley's Memorandum to Gavin Ferries formed Appendix 1 to the officer report. Three comments that I consider worthy of highlighting here are as follows:
- Under the 'Environmental' heading, Mr Ferries' Memorandum contained the following comment '*The development will also result in encroachment into the countryside and the loss of greenfield sites with no justifiable need to support it being a 'exception' site, reflecting the environmental value of the land itself.*' The 'environmental value of the land' was not defined.
  - Under the 'Economic' heading, Mr Begley recognised that '*there would be a short term benefit from employment during the construction phases*', but little weight was afforded to it on the basis that any new housing development would generate employment. The same section also stated: '*In terms of benefits to village services, there is no evidence that this proposal would make any difference. The economic role, whilst relevant, should not therefore be overstated, and is clearly not at a level which would outweigh the environmental harm.*'
  - Under the 'Social' heading, the contribution to the supply of housing generally was acknowledged, as was the provision of affordable housing specifically, but the same section also stated that these benefits 'must be balanced against the clear environmental harm.'

## 5 CURRENTLY PROPOSED SCHEME

- 5.1 I have explained that the original application in February 2014 sought outline permission for up to 75 dwellings but that, following discussions with officers at CBC, the scheme was reduced to up to 57 dwellings.
- 5.2 Following the refusal of the 57-unit scheme, the Appellant appointed Dr Chris Miele to address the heritage related RfR. As a result of discussions between Dr Miele and the application team, Martin Band and his design colleagues produced various amended layouts. The purpose of the revisions was to address the concerns raised by CBC and its landscape advisor.
- 5.3 In the light of the above, the decision has recently been taken reduce the scheme very substantially, from 57 dwellings to 33 dwellings. The reasons for this considerable reduction to the scheme are described comprehensively in the Hearing Statements of Dr Miele and Mr Band, but in summary:
- it is now proposed to keep the entire eastern part of the site permanently open and free from built development, in order to preserve the setting of Cottingham Hall and provide public access to a new amenity space;
  - dwellings have been moved away (northwards) from Jurassic Way in line with The Landscape Partnership's suggestions; and
  - meticulous care has been taken to allow unrestricted views of Cottingham Hall from the key vantage points.
- 5.4 The final 33-unit scheme therefore represents a very substantial reduction of some 42 dwellings vis-à-vis the original 75-unit scheme (or 56 per cent) and the eastern section of the site is now proposed to be kept permanently open.

## 6 REASONS FOR REFUSAL

### Heritage Impact

- 6.1 Dr Chris Miele's Hearing Statement is comprehensive and I could not do it justice in a summary. Nevertheless, I wish to highlight the following findings, which in my assessment weigh very heavily in the scheme's favour in the overall planning balance. Dr Miele:
- explains that the reduction in the scheme's scale and coverage has materially reduced its impact, in landscape and heritage terms;
  - concludes that, in his expert opinion, the current scheme causes no harm to the setting of Cottingham Hall; and
  - finds that, because the development line has been pulled back (westwards and northwards), the significant views of the Hall from Jurassic Way will be preserved and so he foresees no harmful visual impact.
- 6.2 In addition to there being no harmful visual impacts, Dr Miele regards the new public access to the open land south of Cottingham Hall as a very significant benefit, which will be secured in perpetuity. Dr Miele considers that this will enhance the public's appreciation of the Hall in its setting.
- 6.3 Accordingly, Dr Miele's overall conclusion is that he finds no harm and considerable enhancement.

### Landscape Impact

- 6.4 I wish to highlight the following key findings from Martin Band's Hearing Statement, again to set the context for the planning balance exercise that is required under paragraph 14 of the NPPF. Mr Band finds that the substantially reduced scheme overcomes concerns regarding impact on views to and from the Hall and from the Jurassic Way over the Welland Valley; and, in Mr Band's assessment, views and vistas are likely to be enhanced rather than denuded. Mr Band also considers that the public access to the permanently open amenity space to the south of the Hall will enhance the setting of the Hall.

### Longer Term Contributions Towards the Local Economy

- 6.5 Page 13 of the officer report to the Development Control Committee asserted that the development '*has not demonstrated longer term contributions towards the local economy.*' Those same words feature in the Decision Notice. There is, however, no requirement in the NPPF to '*demonstrate longer term contributions to the local economy.*' The Inspector will be very familiar with the requirements of the NPPF but, for completeness, I outline those requirements below.

- 6.6 Paragraph 47 of the NPPF advises that, in order to significantly boost the supply of housing, LPAs should ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing. The same paragraph requires councils to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing, and LPAs are instructed to increase their housing requirements for the forthcoming five-year period by either 5 per cent or 20 per cent, depending on whether there has been a persistent record of under-delivery or not.
- 6.7 The NPPF therefore requires councils to plan for a significant increase in the supply of deliverable housing land where there has been a record of persistent under-delivery. As Mr Coleby explains in his Hearing Statement, there has been a persistent record of under-delivery in Corby and so a 20 per cent buffer is required. This has been accepted by CBC in writing.
- 6.8 CBC now claims to have a 4.07 year supply of deliverable housing land. Mr Coleby believes that the true figure is 2.78 years (when measured against the 'Interim Statement on Housing Requirements' target), or 1.1 years when measured against the adopted Core Spatial Strategy target; in each case, nowhere near the five years minimum. I respectfully invite the Inspector to favour Mr Coleby's figures, which are based on detailed site-specific assessments.
- 6.9 Nevertheless, even if the Council's figure of 4.07 years was accepted, it is clear that CBC does not have anywhere close to a five-year supply of deliverable housing land. This is highly pertinent given the direction in paragraph 49 of the NPPF that relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 6.10 Where the development plan is absent, silent or relevant policies are out-of-date, paragraph 14 of the NPPF advises that planning permission should be granted for development proposals unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed in this Framework taken as a whole*' or where specified policies in the NPPF indicate that development should be restricted.
- 6.11 Thus, as Corby does not have a five-year supply of deliverable housing land, in order for the appeal to be dismissed it would need to be demonstrated that the effects of granting permission for the proposed scheme '*significantly and demonstrably*' outweigh the benefits.
- 6.12 As I have sought to explain, Dr Miele and Mr Band both find that the substantially reduced 33-dwelling scheme – which is now limited to the western section of the site – will result in no harm (in heritage or landscape terms), but they do find considerable enhancement.
- 6.13 Given that there is no significant adverse impact, the clear direction under paragraph 14 of the NPPF is that the scheme should be approved. There is no onus on the applicant to first demonstrate long-term contributions to the local economy. Even so, I believe that the scheme will deliver a range of significant benefits which would substantially outweigh any negative effects. In summary, the scheme will:



- provide 33 high-quality houses in a sustainable location adjacent to existing housing with easy access to local shops and services, against the backdrop of a substantial shortfall in housing land;
- deliver 10 affordable units, which are also in chronically short supply;
- create jobs at the construction phase;
- attract funding through the New Homes Bonus scheme;
- open up the land to the south of the Hall for the public to use and enjoy; and
- provide additional spending power which can assist the public houses and the Village Store and Café.

6.14 Regarding the final bullet above, I note that the May/June 2015 edition of the Cottingham and Middleton Newsletter (reproduced in full in my Appendix 3) contained the following comments which indicate that the Village Store and Café is in danger of closing down:

*‘The Village Store and Café is delighted with the response from the community to their ‘use it or lose it’ campaign. More people are coming through the door and, for the last couple of weeks, the shop has traded at a small profit. The simple fact is that the shop will survive if more people use it - all it needs is a few more people regularly spending a few pounds a day, so pop in, buy a coffee, have a cake or treat the kids to a smoothie.’*

6.15 Furthermore, there has been a considerable number of Inspector and Secretary of State appeal decisions issued since the publication of the NPPF which place great weight on the provision of new dwellings, given the clear imperative to ‘boost significantly’ the supply of housing. This is particularly true in cases where there is an absence of a deliverable five-year housing land supply such as in Corby.

## Over Reliance on Private (Car) Travel

- 6.16 The officer report, and in turn the Decision Notice, assert that, due to the site's location, there is ‘*an over reliance on private (car) travel.*’ The specific nature of any officer concerns regarding car travel are not clear from the report, however.
- 6.17 Paragraph 32 of the NPPF advises that ‘*Development should only be prevented or refused on transport grounds where the residual cumulative highways impacts of the development would be severe.*’ There is no suggestion – from Northamptonshire Highways or anybody else – that the scheme would result in severe highways impacts. Indeed, there is no objection from Northamptonshire Highways per se.
- 6.18 Furthermore, I have already drawn the Inspector's attention to the advice set out in paragraph 14 of the NPPF but, to reiterate, as Corby does not have a five-year supply of deliverable housing land, for planning permission to be refused it would need to be demonstrated that the adverse effects of granting permission for the proposed scheme significantly outweigh the benefits.

## Affordable Housing

6.19 Key points from James Stacey's Hearing Statement regarding affordable housing that I wish to draw to the Inspector's attention are set out below. In summary, Mr Stacey:

- shows that the local affordable housing need in Cottingham and Middleton parishes is particularly marked, with those parishes having exceptionally high levels of home ownership;
- notes that Middleton currently has no affordable housing, and Cottingham has less than half the national average (7.8 per cent compared with 17.7 per cent);
- highlights that the net affordable housing delivery in 2013/14 was minus 49 dwellings, compared with the need identified in the 2015 SHMA Update of 215 net affordable completions per annum;
- shows that, since 2006/07, there has been a substantial accumulated shortfall of affordable homes against the objectively assessed need for affordable housing, of some 1,160 affordable dwellings;
- demonstrates that, based on the 2015 SHMA Update, CBC is only able to demonstrate a 2.8-year affordable housing land supply; and
- Mr Stacey therefore regards the provision of affordable housing as significant in the context of the dysfunctional local housing market and the chronic under-provision of affordable housing across the Borough.

## 7 SUMMARY OF MY FINDINGS, AND RECOMMENDATION

### Introduction

- 7.1 I now set out the main findings in relation to my assessment of the application proposal, and provide my recommendation to the Inspector, in respect of those matters covered in my Hearing Statement.

### Summary of My Statement

- 7.2 I explained in Section 3 that, up until 3 October 2014, the case officer had indicated that he would be taking the application to the Development Control Committee meeting on 15 October 2015, with a positive recommendation. On 3 October, however, CBC's attitude towards the application changed, and this change in stance resulted in the refusal of the application in January 2015.
- 7.3 The decision has recently been taken reduce the scheme very substantially, from 57 dwellings to 33 dwellings. The purpose of the revisions was to address the concerns raised by CBC and its landscape advisor. Crucially, it is now proposed to leave the eastern section of the site permanently free from built development, and to make that area of open amenity space accessible to the public.
- 7.4 Others have addressed the RfR that relate to heritage, landscape and affordable housing. In summary, the experts find as follows:
- Dr Miele finds no harm and considerable enhancement in heritage terms;
  - Mr Band finds that the substantially reduced scheme overcomes concerns regarding impact on views to and from the Hall and from the Jurassic Way over the Welland Valley and in his assessment views and vistas are likely to be enhanced rather than denuded;
  - Dr Miele and Mr Band both consider that the public access to the permanently open amenity space to the south of the Hall will enhance the setting of the Hall; and
  - Mr Stacey regards the provision of affordable housing as a significant benefit in the context of the dysfunctional local housing market and the chronic under-provision of affordable housing across the Borough.
- 7.5 Tim Coleby's detailed site-specific assessments have found that the supply of deliverable housing across Corby Borough is 1.1 years when measured against the Core Spatial Strategy target or 2.78 years when measured against the Interim Statement on Housing Requirements target – in each case, nowhere near the five years minimum. In my opinion even the higher figure represents a significant and serious shortfall, and many recent appeal decisions have shown that this is capable of being the most significant material consideration when determining planning applications for housing development.

- 7.6 Where the development plan is absent, silent or relevant policies are out-of-date, as in Corby under the terms of paragraph 49 of the NPPF, paragraph 14 of the NPPF advises that planning permission should be granted for development proposals unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed in this Framework taken as a whole'* or where specified policies in the NPPF indicate that development should be restricted.
- 7.7 Thus, as Corby does not have a five-year supply of deliverable housing land, in order for the appeal to be dismissed it would need to be demonstrated that the effects of granting permission for the proposed scheme significantly and demonstrably outweigh the benefits.
- 7.8 The array of assessments/studies commissioned by the applicant to support its planning application – and the recent expert assessments undertaken by Dr Miele and Mr Band – demonstrate that the proposed development will not result in any significant adverse impacts, but that there will be enhancement. As I have explained, the scheme has been reduced very considerably – initially from 75 dwellings to 57 houses and more recently to 33 dwellings – and the entire eastern section of the site will be left permanently open.
- 7.9 Against the background outlined above and detailed elsewhere in my Statement, I conclude that the proposed development is entirely consistent with the objectives and requirements of the NPPF and that there are no adverse effects which significantly and demonstrably outweigh the range of important benefits associated with the scheme.

## **Recommendation to the Inspector**

- 7.10 Accordingly, my recommendation to the Inspector is that the application proposal should be approved because there will be no adverse effects which significantly and demonstrably outweigh the wide range of important benefits that the scheme will deliver.

Appeal by Kiff and Troke Partnership, Bury Close, Cottingham  
Bury Close, Cottingham Planning Appeal

