

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Planning Committee</b>	<b>Item No.</b>
<b>Report Originator</b>	<b>Louise Holland, Senior Development Officer</b>	<b>4.1</b>
<b>Wards Affected</b>	<b>All</b>	<b>19<sup>th</sup> December 2013</b>
<b>Location</b>	East Kettering Sustainable Urban Extension, East of Kettering	
<b>Proposal</b>	Approval of Conditions: Foul Drainage Strategy (Condition 60 of KET/2008/0274 & Condition 37 of KET/2013/0514)	
<b>Applicant</b>	Alledge Brook LLP	

### **1. Purpose of Report**

Outline planning permission was granted for the East Kettering development in April 2010 (references KET/2007/0694 and KET/2008/0274). The application site is an area of 328.5 hectares to the east of Kettering and Barton Seagrave. The permission is in outline (with all matters reserved) for 5,500 dwellings and related development. This includes a secondary school, primary schools, retail, employment, hotel, health, leisure and community uses and formal and informal open space.

Conditions were attached to the planning permission (91 in total) and a S106 agreement was completed (subsequently revised). Work started early in 2012 to discharge pre-commencement conditions and this is continuing. A variation of condition application was submitted this year and has a committee resolution to approve subject to a number of elements including the completion of a deed linking the new permission to the existing S106. Applications for three residential sites have been submitted and are being considered by the local planning authority.

This report provides details and the recommendation for the foul drainage strategy condition, a condition of both the 2008 outline and the 2013 varied outline planning permission, which at the present time only has a committee resolution.

### **2. Recommendation**

#### **Condition 60 of KET/2008/0274 and Condition 37 of KET/2013/0514 - Foul Drainage Strategy:**

It is recommended that Members are minded to approve the application subject to no significant objections being received between the committee

meeting and the close of consultation on 23<sup>rd</sup> December 2013 and that the matter is delegated to the Head of Development Services for determination. The grounds of objection raised during that period must be different to any received and reported to committee within this report and the update and be considered not significant.

### **3. Background Information**

#### **3.1 Relevant Planning History**

KET/2007/0694 – Outline application for 5,500 dwellings and related development (APPROVED) – 1<sup>st</sup> April 2010.

KET/2008/0274 – Outline application for 5,500 dwellings and related development (APPROVED) – 1<sup>st</sup> April 2010.

AOC/0694/0701 – AOC/0694/0715 – Various Approval of Condition Applications (APPROVED) - 18<sup>th</sup> September 2012 and 28<sup>th</sup> March 2013.

KET/2013/0212 – Renewal of Extant Planning Permission KET/2007/0694 (5500 dwellings and related development) – Pending.

KET/2013/0213 – All Details in Respect of KET/2008/0274 for 334 Dwellings and related development (Reserved Matters for Parcels R7, R9 & R10 David Wilson Homes and Barratts) – Pending.

KET/2013/0214 – Renewal of Extant Planning Permission KET/2008/0274 (5500 dwellings and related development) – Pending.

KET/2013/0232 – All Details in Respect of KET/2008/0274 for 308 Dwellings and related development (Reserved Matters for Parcels R23 & R26 Persimmon Homes) – Pending.

KET/2013/0314 – Residential development of 153 dwellings (full application). Demolition of vacant dwelling and substation. Replacement substation. Provision of access roads, roundabout, public open space, landscaping, foul pumping station, drainage works and other enabling works. (Parcel R19 Taylor Wimpey) – Pending.

KET/2013/0514 – Variation of Conditions of KET/2008/0274 - Resolution to Approve subject to completion of a deed linking the permission to the existing S106 agreement and legal matters) - 24<sup>th</sup> October 2013.

KET/2013/0782 – Environmental Statement Screening for Up to 175 dwellings and associated development (Parcel R19 Taylor Wimpey). (This request is not open for public comment and is published for information purposes only) – Pending.

AOC/0274/0801 – Approval of Condition 56 of KET/2008/0274 Reptile Method Statement (APPROVED) – 6<sup>th</sup> November 2013.

AOC/0274/0803 – Approval of Condition 75 of KET/2008/0274 and Condition 46(i) of KET/2013/0514- Access D (Warkton Lane/Deeble Road Junction) – Pending

AOC/0274/0804 – Approval of Condition 75 of KET/2008/0274 and Condition 46(ii) of KET/2013/0514 - Access E (Barton Road/Warkton Lane Junction) – Pending.

AOC/0274/0805 – Approval of Condition 75 of KET/2008/0274 and Condition 46(iii) of KET/2013/0514 - Access F (Barton Road/A14 Junction 10) - Pending.

### **3.2 Site Description**

Kettering East is an area of 328.5 hectares to the east of Kettering and Barton Seagrave. The site is positioned adjacent to existing development on the town's eastern edge, bounded by the A14 trunk road to the south and open countryside to the north and east. The site comprises arable farmland, allotments and some woodland. The only buildings located within the development site are those at Poplars Farm within the northern part of the site.

### **3.3 Constraints**

Mineral consultation area 2004, flooding, protected species, trees/hedgerows, archaeology, contaminated land, bridleways and footpaths, potential wildlife sites.

### **3.4 Environmental Impact Assessment**

As the original outline planning application KET/2008/0274 was EIA development this application, for the approval of the foul drainage condition (AOC) which relates to the outline permission, is also regarded as an EIA application. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (which came into force on 24<sup>th</sup> August 2011) subsequent EIA applications include reserved matters and matters requiring approval before development can commence e.g. approval of conditions.

As part of the requirements contained within the Regulations, a screening opinion has been carried out for this AOC application. The local planning authority has adopted the screening opinion that the proposed development as described the applicant is EIA development but that the original Environmental Statement (ES) (original dated July 2007) as amended August 2008 and January 2009 accompanying KET/2008/0274 adequately addresses the environmental effects of the proposals. Therefore in accordance with Regulation 8 (2) no further ES is required. Under Regulation 8 (2) where the environmental information before a local planning authority (submitted with an original application) is adequate to assess the environmental effects of the development, that information shall be taken into consideration in the determination of a subsequent application. The original ES has therefore been taken into account and considered in the assessment of this AOC application, the officer recommendation and therefore the determination.

## **4. Approval of Condition Applications**

### **4.1 Foul Drainage Strategy**

#### **4.1.1 Policy Framework**

- ◆ National Planning Policy Framework
- ◆ North Northamptonshire Core Spatial Strategy

The National Planning Policy Framework (NPPF) is a material planning consideration in the determination of planning applications. At the heart of the NPPF is the presumption in favour of sustainable development; proposals that accord with Development Plan policies should be approved without delay.

Policy 6 of the North Northamptonshire Core Spatial Strategy states that new development will be supported by the timely delivery of infrastructure, services and facilities and will make direct provision or contribute to it as required.

#### **4.1.2 Consultation**

The responses received are summarised below. All responses are on file and available to view in full at the Council Offices. The consultation period ends on 23<sup>rd</sup> December 2013.

#### **Anglian Water**

Formal response is expected before committee and this will be set out as an update. There have been meetings to discuss the strategic drainage approach and the outcome has been a positive response.

#### **Environment Agency**

Formal response is expected before committee and will set out as an update. There have been meetings to discuss the strategic drainage approach and the outcome has been a positive response.

#### **Third Parties**

No comments received to date.

#### **4.1.3 Proposed Development**

The submitted information relates to Condition 60 of the outline planning permission for East Kettering KET/2008/0274 and Condition 37 of KET/2013/0514 (variation of condition application). The wording of these conditions is set out below.

#### **Condition 60 of KET/2008/0274**

No works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase (as shown on Phasing Plans - Phase 1 Drawing No. BBD005\113 Rev A, Phase 2 Drawing No. BBD005\114 Rev A, Phase 3 Drawing No. BBD005\115 Rev A, all received 02 February 2009) of the development, hereby permitted unless and until full details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be

implemented in full prior to the erection of any buildings within that phase of the development.

REASON: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with PPS 25, Policy 1, 2, 32 and 35 of the East Midlands Regional Plan (2009) and Policy 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

#### **Condition 37 of KET/2013/0513**

Prior to commencement of development a scheme for the provision of mains foul water drainage on and off site, including phasing and timing of completion of the works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy (2008).

#### **4.1.4 Planning Considerations**

- (a) Strategic Solution
- (b) Interim Solution
- (c) Relationship with Reserved Matters
- (d) Timing of Delivery

##### **(a) Strategic Solution**

The foul drainage report sets out the proposed strategic solution for the East Kettering sustainable urban extension and the technical details in support of this. The solution takes into account existing infrastructure on and off-site and its capacity, site topography, geology and existing watercourses and their relationship with the site.

##### Site Characteristics

Three watercourses affect the site. The River Ise which flows through the north western part of the site, the Alledge Brook to east and an ordinary watercourse which bisects the site. These watercourses create three different catchments with two high points within the site. The first high point is found between the River Ise and the ordinary watercourse at approximately 100m AOD. The second is 80m AOD between the Alledge Brook and the ordinary watercourse.

The site topography will allow an on-site network to be designed within which sewers fall by gravity towards a terminal pumping station in the south eastern part of the site. The topography in the north west site corner however naturally drains north west towards the River Ise. A second small pumping station is therefore needed in this location to lift foul flows to the top of the site from where they will gravitate to the terminal pumping station.

##### Proposed Strategy

The proposed strategy consists of a foul drainage network running by gravity to the low point on site (in the south east corner) where a pumping station will

be located. The flows will be pumped off-site to connect to new gravity sewers laid to the east and south of Burton Latimer and the upgraded trunk foul sewer and from there will be pumped to the Broadholme Sewage Treatment Works. A plan illustrating the foul drainage strategy is included at Appendix 1.

Two pumping stations are needed on site, a terminal pumping station in the south east site corner and a second smaller one in the north western part of the site (required for the reasons outlined in the above section). The design of these pumping stations will be agreed at the reserved matters stage for the relevant development parcels. Parameters and examples of the scale and appearance of such pumping stations have been provided by the applicant to demonstrate that these can be designed sympathetically.

The layout of the sewers on site will generally follow the alignment of the development roads.

#### Off-Site Infrastructure

The site lies within the catchment of the Broadholme Sewage Treatment Works, which is situated to the east of Wellingborough. Anglian Water has confirmed that the treatment works has the capacity to treat the foul flows from the East Kettering development. There are however capacity constraints in the sewer network which runs between Kettering and Wellingborough. Anglian Water has identified that a significant upgrade to this infrastructure is required and these works are currently underway. These are due for completion by the start of 2015. These upgrades will be completed alongside the construction of the drainage infrastructure for the site, resulting in a comprehensive strategy with infrastructure delivered as early as possible.

#### Detailed Design and Delivery

The infrastructure will be delivered via a Section 98 requisition; Anglian Water will provide the foul water sewer to serve the site and this will be requisitioned (formally requested) under Section 98 of the Water Industry Act 1991. Detailed design work and assessment needs to be completed before that Section 98 agreement can be put in place. Once signed the construction phase will be initiated.

The total cost of the scheme will be recovered from the developers with their contribution based on the numbers of dwellings they are delivering on their parcels. Formal collaboration is needed between the developers/landowners to form a consortium for delivery purposes (this would include the four parties Alledge Brook, Hallam Land Management, Taylor Wimpey and Persimmon Homes). A reservation agreement with Anglian Water is required before the detailed design stage is commenced. The developers will need to sign up to this to agree to contribute their share of the costs and to fund the detailed design work which is required. Anglian Water will be confirming which parties have already signed the reservation agreement and this will be reported as an update to committee. It is understood that Alledge Brook, Hallam Land and Taylor Wimpey are willing to sign this. Persimmon Homes however have not yet indicated that they would be willing to sign this agreement. The Environment Agency have verbally expressed the view that even without the

agreement of Persimmon Homes they are content with the proposed foul drainage strategy and that reserved matters will need to accord with this as it is a condition of the outline planning permission. Anglian Water will be confirming their position on this shortly.

The contribution that Persimmon Homes would need to pay to be part of the strategic scheme is likely to be relatively modest as it is based on numbers of dwellings on their development parcels (currently Persimmon are proposing 308 dwellings and the total development is 5500). Officers consider that the strategy would still work without Persimmon but it could mean that the costs may rise for the remaining parties. This will be part of the on-going discussion should Persimmon continue to be unwilling to sign up to the strategic solution. Discussions with the developers are continuing and this matter will continue to be a key focus. A meeting is set for the 12<sup>th</sup> December to seek to move the matter forward.

Alledge Brook are also continuing to discuss with the three developers/landowners a collaboration agreement for site wide issues including drainage (surface and foul), highways, land and other legal matters.

#### **(b) Interim Solution**

The strategic solution, outlined above, cannot be implemented until sufficient flows are generated within the foul network and the required self-cleansing velocity is achieved; the foul drainage system will not work effectively with the relatively low flows generated by initial occupancies. In addition to this a period of time is needed for the developer and Anglian Water to agree the detailed design and for the infrastructure to be constructed. It is currently anticipated that each step (design and construction) could take approximately 12 months. The system could therefore be completed, commissioned by Anglian Water and ready for use by the end of 2015.

Measures for the interim period, between first occupation and when there are sufficient flows, have been outlined in the proposed strategy and a preferred measure identified. The interim period is anticipated by the developer to be approximately 12 months, which is considered to be a reasonable timescale given the above actions that need to be completed. The developer states that this is likely to equate to approximately 240 occupations.

The preferred interim measure is for a trickle system to be developed which pumps flows back, off-peak, along the Linear Park street to where it meets the Barton Road/Warkton Lane junction (Access E) and the existing network. This interim measure is supported by the Environment Agency. The adoption of this measure is subject to there being available capacity within the existing network and further design work will be undertaken in this regard. Alternative measures have been identified should this not be technically possible. These are however only to be taken forward if the preferred measure is not technically possible and cannot be achieved.

The first alternative is for tankering. The developer has outlined in the proposed strategy how this would equate to movements and occupancies.

The interim period would be limited to 12 months, would serve around 240 properties and equates to at most 3 trips per day at the back end of that 12 month period. In the short term, for up to 6 months, this could mean up to 1 lorry a day. The timing of emptying the tank during the day could be controlled by the local planning authority. This option however is not preferred and will not be adopted unless the preferred option is not technically possible. The local planning authority, developer, Anglian Water and the Environment Agency are working together closely to progress the preferred option.

The other alternative option is to deliver an on-site treatment facility with a multi-utility company. Again this not the preferred solution and is likely to be considered as the last option given that it could put at risk the delivery of the strategic solution and also could cause disruption on the local highway network due to the works required to the existing network.

The preferred interim solution is acceptable and is in accordance with the hierarchy of sustainable drainage solutions advocated by the EA. The proposals will ensure a comprehensive drainage strategy is adopted on and off-site and that infrastructure is delivered as early as possible within the development programme.

#### **(c) Relationship with Reserved Matters**

Each reserved matters application must demonstrate how they will accord with the foul drainage strategy. A condition on the outline permission (and varied permission) requires these details.

#### **Phase 1a (Hallam Land Site) Alternative Strategy**

Hallam Land are currently considering whether an alternative scheme for their parcels could be developed should no other development, in addition to their parcels, come forward on the East Kettering site. This is a fall-back position which Hallam is investigating should the wider scheme fail. This is extremely unlikely given where the development process is, the progress being made, the other housebuilders who have come forward with applications and the external funding support received to date. Hallam Land has indicated that their preference is for the proposed strategic solution and supports its implementation as soon as possible.

This alternative scheme is not part of this application under consideration.

#### **(d) Timing of Delivery**

Part of the wider background context, and what is important to bear in mind is, where the development process is at the present time. Given that there are a number of reserved matters applications in for determination on three areas involving some 780-800 dwellings, it is clear that the delivery of housing is potentially not far away.

If the different agreements are put in place by the end of December or in January 2014 this could potentially mean the technical work will be undertaken straight away with construction works commencing on site Summer – Autumn 2014 and completion September – December 2015.



There are also a number of pre-commencement conditions still to be submitted. These are likely to come in for determination after the reserved matters applications are determined.

#### **4.1.5 Conclusions**

The proposed strategic solution is considered to be acceptable. There will be a period, anticipated at this time to be 12 months, which will require an interim measure to be adopted. The preferred measure is for a trickle system to be developed which pumps flows back, off-peak, along the linear park street to where it meets the Barton Road/Warkton Lane junction (Access E) and the existing network. The adoption of this measure is subject to there being available capacity and further design work will be undertaken in this regard. Alternative measures have been identified should this not be technically possible. These are however only to be taken forward if the preferred measure is not technically possible and cannot be achieved. The preferred interim solution is acceptable and is in accordance with the hierarchy of sustainable drainage solutions advocated by the EA. The proposals will ensure a comprehensive drainage strategy is adopted on and off-site and that infrastructure is delivered as early as possible within the development programme. The proposals accord with Development Plan policy and also the National Planning Policy Framework.

#### **4.1.6 Recommendation**

It is recommended that Members are minded to approve the application subject to no significant objections being received between the committee meeting and the close of consultation on 23<sup>rd</sup> December 2013 and that the matter is delegated to the Head of Development Services for determination. The grounds of objection raised during that period must be different to any received and reported to committee within this report and the update and be considered not significant.